



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 11, 1997**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 11, 1997.

A G E N D A

Closed Session - Work Session Room - Main Level

3:45 p.m. Property acquisition

Work Session - City Council Chambers - Lower Level

4:45 p.m. Council questions and comments

5:15 p.m. Sign Code amendments

5:40 p.m. Review of regular meeting

 Parking Code amendments

 Other meeting questions/comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV CONSENT AGENDA

 Approval of 340 Main Street Parking Covenant

V PUBLIC HEARING

 Amendments to the Municipal Code of Park City, Title 9, Parking Code

VI NEW BUSINESS

1. Amendments to the Municipal Code of Park City, Title 9, Parking Code
2. Appeal of Planning Commission's determination of October 22, 1997 that a proposed gate at the northerly end of the Gleneagles Subdivision is not a permitted use, but requires a conditional use process

VII ADJOURNMENT

Posted: 12/8/97



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 11, 1997**

Present: Mayor Brad Olch; Council members Hugh Daniels, Roger Harlan; Shauna Kerr; and Paul Sincock

Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Alison Kuhlrow, Planner; Brian Anderson, Parking Operations Manager

Absent: Chuck Klingenstein

1. Council questions and comments. The Mayor reported that he has been contacted by Zions Bank, which is building a new bank at Snow Creek. Zions would like to separate banking and retail operations and is looking for another space in town. It would like to lease the Miners Hospital for free, including phones, for office and meeting space for itself and all of the non-profits as well. Paul Sincock stated that the Miners Hospital has great community benefit and could not support a commercial enterprise there. The Council members in attendance agreed.

The Mayor continued that he has been an active participant in Coalition for Utah's Future aka Envision Utah. Expenses for the first year were supported with a grant, but now it is looking for funding from counties and cities and it is requesting \$7,400 from Park City. He asked that the City Manager look into this and evaluate participation by Summit and Wasatch Counties and other municipalities. Paul Sincock stated that he would like to be informed of the benefits of membership, and the Mayor suggested having someone from Envision Utah visit with Council.

Ms. Kerr disclosed that she was approached by Charlie Sturgis of White Pine Touring about the cross-country ski track on the golf course. She hoped that the Council would maintain its position with regard to a minimum of 12" of snow before the track is set. Last summer's damage was worse than ever, and is an example of deviating from that standard. She felt it unfortunate that a race is scheduled, but sometimes due to weather, events have to be canceled. There was discussion about the damage last year, and the City Manager indicated that reseeding the course was a major expense. There was discussion about using the driving range, and the Mayor added that setting the course with snowmobiles would be less damaging. Council directed staff to work with the operators of White Pine Touring.

Shauna Kerr expressed concern about the lack of a parking plan for employees at Marsac as a part of the paid parking system. She suggested that all City vehicles be stored overnight at Public Works and that carpooling be encouraged. The City Manager explained that there is an employee meeting scheduled for December 18. It was clarified that the north lot will be a free parking zone, and the south lot will be time restricted. In response to a comment from Ms. Kerr, the

Mayor explained that Mike Hale is on notice about his vehicles parked in the lot serving the Library and City Park.

Roger Harlan reported on a meeting with a designer of skateboard parks on Tuesday, Parks and Recreation Board members, and the Youth Advisory Board. The designer provided helpful information and the meeting was productive. Mr. Harlan noted that there was discussion at a Library Board meeting about security of the building on the weekends. He suggested a security plan for all City buildings that may be implemented in conjunction with contracting with a cleaning service.

Hugh Daniels noticed an RFP in the newspaper for designing a fifth level on China Bridge. He recalled discussing this option, but questioned if this is premature. The City Manager explained that this was part of a program the Council approved before the paid parking concept. This is an attempt to obtain costs and the project was expanded as the result of discussions during the charette, relating to an adjacent parking area and design integration with the existing parking structure. This will come back to the Council in January for review and if Council decides to proceed, construction is not anticipated until 1999. Jerry Gibbs added that this will be about a six month process. In response to a question from Hugh Daniels about the Snowcreek parcel, Mr. Ross stated that he believes that the ownership has changed and that staff will be talking with Council about this next week. Mr. Daniels reported that he attended the Olympic Venues Cities meeting with Mr. Harlan and the Mayor with Ogden, Salt Lake, Huntsville, Provo, and West Valley representatives. Ken Bullock and John Fowler were there and this was a first meeting of the group. Various cities expressed concerns, which will be presented to SLOC who will meet with the Venue Cities Group, probably in March to answer those questions and to provide more information. He continued that Salt Lake is sending several Council members to Nagano.

Paul Sincock noted that the community meeting held in Park Meadows last night was well attended and he appreciated the public feedback on a variety of issues. He discussed the traffic light malfunctioning on Bonanza and Kearns Blvd. and UDOT should be aware of the power fluctuations that occur here. The City Manager indicated that he discussed this with Eric DeHaan and UDOT has an obligation for the light and UP&L has an obligation to deliver power in that location, which is being worked on. The Mayor suggested that the default be red as opposed to red and yellow which is very dangerous. Paul Sincock relayed a complaint from a resident in lower Deer Valley about construction traffic from Deer Crest and wants to make sure that this project conforms with its agreement with the City.

2. Sign Code amendments. Planner Alison Kuhlow explained that this presentation covers the changes made since the July 31 meeting. The purpose of the Sign Code is to set forth specific parameters which will enhance the appearance of the community, to encourage aesthetically pleasing signs which compliment the building's architecture, to give the business community direction on what is permitted, and to improve the health, safety, and welfare of the citizens by

minimizing visual clutter and clearly identifying traffic and directional signs. She reviewed the recent changes.

The first is the definition of a sign area; staff is proposing calculation by the measurement of the smallest geometric shape or combination thereof, which would enclose the sign area. Though illustration of graphics, Ms. Kuhlow explained examples of calculating signage. Paul Sincock felt that the language could be more simply stated. Hugh Daniels noted that there are signs that are strange shapes that do not lend themselves easily to computing the area, and this is the easiest methodology. Ms. Kuhlow addressed total sign area requirements and stated that a reduction in the total sign area on a building face would benefit the community, but it has been decided to maintain the current regulations and to modify them grammatically so that they are better understood. Currently, the Code provides that the sign area per building face may not exceed 5% of the building face to which the sign applies. The sign area can not exceed 45 square feet per building face or 36 square feet per building face if used in conjunction with a free standing sign, whichever is smaller. She continued that if an applicant feels he needs more square footage, the application would have to go to the Planning Commission, and in no event could the sign area exceed 5% of the building face. Conditions to acquire extra square footage over the 45, include multi-tenant buildings, buildings with master sign plans, or street frontage situations. Hugh Daniels believes that 45 square feet is too large and didn't believe there are too many situations requiring a large sign and there is also the 5% option. Ms. Kuhlow added that there could be criteria to qualify applications. Mr. Daniels continued that if the Sign Code is going to be revised he would suggest something less than 45 square feet and also a minimum area for signage, like 12 square feet so it is readable. There was discussion about square footages of various signs in town, and Ms. Kuhlow explained that there are not many non-conforming signs and most meet the 5% rule.

In response to a comment from Roger Harlan about the omission of a time frame, Ms. Kuhlow clarified that there was a ten day turnaround on applications in the Code, but review may take up to two to three weeks. Roger Harlan believed it to be important to indicate some reasonable time frame. The Mayor encouraged Council to get back to staff on concerns or additional comments. Alison Kuhlow stated that she will probably reschedule this some time in January and will be working with the business community and the Chamber/Bureau in the meantime. Mr. Daniels pointed out that the regulation of flags is something that probably should be addressed. Ms. Kuhlow clarified that there are no provisions in the Code on flags, and size and number have just been negotiated with applicants.

3. Review of regular meeting.

Parking Code amendments. In response to a question from Shauna Kerr, Brian Anderson indicated that meters are now being programmed and people can make reservations for purchase. There is a \$27 deposit, which is refundable when the meter is returned.

Mr. Anderson explained that in conjunction with the paid parking program, staff has reviewed the current Parking Code and recommends revisions before the program is implemented. The major changes will formalize the paid parking section to initiate the required zones and mechanisms. It will prohibit double parking to allow for efficient traffic circulation in the Main Street core, institute parking zones for the residential areas located near pay zones, establish criteria for snow removal emergencies, and prohibit parking on major bus routes. He displayed the revised residential map and the paid parking zones.

Shauna Kerr pointed out that the definition for double parking specifically addresses parking behind a vehicle which is parked at an angled and not parallel parked. Mr. Anderson explained that parallel parking is 90° parking, and Ms. Kerr felt that describing that as angled parking is confusing and the word "angled" should be stricken. Mr. Sincok understood that there will be no delivery trucks on Main Street after noon. Mr. Anderson responded that that is the intent, but it will be difficult to enforce, especially during the Christmas season. The Mayor emphasized that there needs to be a meeting with UPS and the food purveyors and he believes it is beneficial for the merchants to receive merchandise before noon. Shauna Kerr suggested passing out a flyer to delivery trucks for several days in a row, and mailing information to the corporate offices. Brad Olch added that the availability of the delivery areas should be pointed out and that there should be no double parking. Paul Sincok stressed that delivery regulations should be enforced. Brian Anderson explained that the delivery trucks will not be issued a permit in the beginning to determine if there is voluntary compliance and if not, a permit delivery system will be implemented for use of the delivery zones with a provision that the permit will be revoked if there are consistent violations. Ms. Kerr also felt that delivery regulations should be strictly enforced and the Mayor discussed the early deliveries made at the Foothill Shopping Center. Mr. Anderson explained that there are a limited number of exceptions like deliveries of fresh fish to restaurants, but there is a delivery zone in Swede Alley. Paul Sincok suggested that UPS or Fedex have an office in Park City to accommodate pick-ups after noon.

Hugh Daniels asked if there is provision for prohibiting deliveries from a residential street and cited Grappa being serviced from upper Park Avenue. He added that there should be consideration of allowing vehicles to park the wrong direction downhill on Old Town streets. Jerry Gibbs believed that the area on Park Avenue in question could be signed no parking. He continued that Meadows Drive, Lucky John to American Saddler, and American Saddler to SR224 were left out in the snow removal emergency routes. He explained that vehicles will not be towed unless there is problem with snow removal efforts. Mr. Anderson pointed out that "daily" newspaper should be deleted from the draft document. Mr. Daniels noted that some lodges have gone to the expense of printing guest permits, and asked if those would be allowed. The City Manager suggested adding language that the permits be issued or "approved" by the City. The Mayor indicated that this is on the agenda for public hearing and action.



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I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 11, 1997. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock. Chuck Klingenstein was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; Janet M. Scott, City Recorder; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV CONSENT AGENDA

Approval of 340 Main Street Parking Covenant - See staff report. Shauna Kerr, "I move approval of the 340 Main Street Parking Covenant on the Consent Agenda". Roger Harlan seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Absent
Paul Sincock	Aye

V PUBLIC HEARING

Amendments to the Municipal Code of Park City, Title 9, Parking Code - See staff report and work session notes. The Mayor invited questions or comments from the Council and the public. Hearing none, the public hearing was closed.

VI NEW BUSINESS

1. Amendments to the Municipal Code of Park City, Title 9, Parking Code - Shauna Kerr, "With the additions and corrections that were made during the work session that have been adequately noted, I move approval of the amendments to Title 9, Parking Code". Hugh Daniels seconded. Paul Sincock felt that because of the changes, the draft should be amended and brought back to Council to be approved on the Consent Agenda. Mark Harrington strongly recommended that Council move forward as the map needs to be published two weeks in advance of January 1. Jerry Gibbs added that Ampco is notifying delivery drivers at this time and a letter to the corporate offices will be sent next week. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Absent
Paul Sincock	Aye

2. Appeal of Planning Commission's determination of October 22, 1997 that a proposed gate at the northerly end of the Gleneagles Subdivision is not a permitted use, but requires a conditional use process - Shauna Kerr disclosed that in attempt to avoid even an appearance of a conflict of interest, she will excuse herself from discussion, deliberations, and ultimately the decision on this matter, and left the meeting.

Jodi Hoffman, City Attorney, explained that on October 8, 1997, the Planning Commission heard an appeal of the Community Development Director's decision to require a conditional use permit application for a gate at the northerly end of the Gleneagles Subdivision within Park Meadows. The Commission gave direction for the findings of fact and conclusions of law at that time after hearing and deliberating on the evidence, and on October 22 authorized revised findings of fact and conclusions of law regarding the appeal. She continued that the appellants have provided extensive material and she has provided information. There is a great deal of discussion about easements, cross-easements and private property ownership or rights and Ms. Hoffman stressed that those issues are irrelevant; what is relevant is the regulatory process to be applied to an application for a gate in an existing subdivision. To the extent that the appellants can focus in that regard, it would be helpful in assisting the Council in reaching a determination on that issue. The Mayor asked the City Attorney to repeat that statement. She reiterated that the appellants and the Council should focus on the proper regulatory process to approve or deny a gate within an existing subdivision in order to stay on track. The question presented is did the Planning Commission err in concluding that the Land Management Code requires a conditional use permit for a gate in this subdivision.

The Mayor indicated to Mr. Roberts that the Council has read the documents and if there is a way that every page doesn't have to be read, it would be appreciated.

Jim Roberts, President of Gleneagles Association, stated that this is an appeal of the Planning Commission upholding Mr. Lewis' decision that a conditional use permit process for a proposed gate at the northerly end of the Gleneagles Subdivision. He displayed a Summit County tax parcel map depicting the Gleneagles Subdivision, Broken Spoke, and Fairway Village No. 1 and 2, which does not depict a roadway between Gleneagles to the north toward Meadows Drive. The dotted line is an uncompleted roadbed from Gleneagles north to Meadows Drive. It is not a legal road and has never been platted or approved by the City, but is a driveway built on golf course property. He indicated that prior to March 7, 1997, nearly one month after he was charged with criminal conduct for allegedly obstructing an alleged access road, there was no one who had any right to use that road. On March 7, 1977, the City, in connection with clearing title issues involving the location of Meadows Drive and the golf course parking lot, encouraged the golf course to grant the City an easement over this road. What the City obtained by that easement was a right to use that unfinished, unplatted driveway for purposes of construction, maintenance, operation of public utilities, and emergency vehicular traffic. Mr. Roberts continued that the easement could not legally permit the City to do more than use that portion of the road on golf course property and the easement does not allow the City to cross the boundary between the golf course and Gleneagles. He pointed out the location for the installation of the gate.

Mr. Roberts indicated that Council received a schematic of the proposed gate and technical information. The gate would be electrically operated by a clicker or a car key system and would be siren-activated for emergency vehicles. The Mayor pointed out a potential problem with someone with a loud horn; Mr. Roberts believed the gate would operate off of certain frequencies. He felt that even with the City's golf course granted easement, it does not have the legal right to cross the Gleneagles boundary at the access point, but they are not trying to keep the City out. In addition, there will be pedestrian and bicycle access through the gate and this will not be a gated community. There will be no control device, other than a sign, at the southern end of the subdivision. In connection with Jack Shin's discussions with Mr. Lewis prior to the rejection of the proposal to submit an application, they were willing to commit to the City in writing on behalf of the subdivision, that the other southern entrance way would not be gated. They were committed not to identify their community as something special and understood that there is a general concern about elitism.

The roads within Gleneagles Subdivision as well as the Broken Spoke Subdivision are private roads. He displayed the covenants for Broken Spoke. The owners dedication by reference to the Broken Spoke plat also grants owners of lots in Gleneagles the right to use the private road system. It is important to distinguish the private roads within their subdivision and the private road system. The Gleneagles plat also provides that access over the roads may be controlled by the Park Ridge Association and in addition the plat provides that the Park Ridge Association will maintain the roads within Gleneagles. Mr. Roberts explained that Park Ridge never functioned and its charter was revoked by the state of Utah for failure to file required reports. Amendments to the master CC&Rs covering roughly all of Park Meadows and the supplemental CC&Rs covering

Gleneagles alone, make the Gleneagles Association the legal successor to Park Ridge with respect to the subdivision. The lot owners from the beginning maintain the private roads within the subdivision, whether or not Park Ridge existed. Mr. Roberts stated that they were advised by the City Attorney at the Planning Commission hearing on October 8, that someone had purported to resurrect Park Ridge two days before the hearing, and on the day before the hearing, to transfer to a newly organized association Park Ridge's rights. He looks forward to testing the legality and the effect of those actions, including the adherence to fiduciary standards of those who purport to act in this regard for property owners within the Park Meadows area.

He referred to Parcel Map A and the y-shaped roadway between their subdivision, the Broken Spoke Subdivision, and Fairway Village as the private road system. Paul Sincok interjected that he is having difficulty in following how these arguments relate to whether or not a conditional use process is appropriate which is the issue before Council. Jim Roberts stated that the background and the documents are relevant to what the Planning Commission did in 1983 with respect to these subdivisions. At the Planning Commission level, a good deal of time was spent on issues of ownership, easements. The Mayor added that that is the job of the Planning Commission and the Council is charged with making a decision on whether the Planning Commission acted within the confines of the Land Management Code -- nothing more and nothing less. Mr. Roberts insisted on continuing.

Mr. Roberts displayed the Broken Spoke plat, the owner's dedication, and the legend provisions with regard to control and maintenance of roads which are identical to the provisions of the Gleneagles plat. He displayed the Broken Spoke plat and the private road system in the three separate subdivisions. On this plat, is the grant of an access easement from the private road system up Sunny Slopes through Fairway Village which is the only legal access that they and Broken Spoke have out of their subdivisions. This plat, like the Gleneagles plat, was approved by the City Council, City Engineer, Planning Commission, and by the City Attorney and was recorded on March 11, 1983. At the Commission meeting on October 8, Mr. Lewis stated that there were cross easements throughout Park Meadows, implying that everyone in Park Meadows had a right to use their private system and the City Attorney agreed. He continued that the only rights to use their roads are those evidenced in the materials provided and furthermore whatever the rights, if any of Park Ridge, are not withstanding contrary advice by the City Attorney to the Planning Commission. The master declarations of Park Meadows require that no property shall be subject to those declarations until such property constitutes an approved subdivision recorded in Summit County and until such property so specifically designated by supplemental declarations, as alluded to in Article V of the Articles of Incorporation of Park Ridge, provide that if at the time of recordation of the subdivision, developers designate a particular subdivision within Park Ridge for membership, then it will be a member. Apart from Broken Spoke and Gleneagles, no subdivision has been so designated and in particular, Fairway Village 1 and 2, which were recorded in 1979 and 1981, have not been so designated and could not be now.

Mr. Roberts stated that the property owners in Gleneagles have over time become increasingly concerned about the amount and character of the traffic over their private roads. There are speeders day and night and construction traffic and much of this is from drivers mistakenly turning off of Sunny Slopes off of Meadows, rather than turning right or left on Sunny Slopes where those streets intersect at Fairway Village. There is routine use of their roads by golf course patrons and golf course maintenance vehicles. There is use of their roads for turn-around points for vendors and suppliers to the golf course, including large trucks, and every manner of equipment associated with special events at the course, and particularly, the Franklin Quest Tournament. Mr. Roberts added that they have cooperated in the past in obstructing access at this point in connection with special events with cones, temporary barricades, ropes, etc., which have not been terribly effective. No amount of signage had any effect. Based upon their review of the applicable documents, the Association concluded that they have the right and they should chain Sunny Slopes Drive's northern boundary of their subdivision. He stated that their intention was to test the result with respect to the impacts of traffic in their subdivision during the Franklin Quest Tournament in 1996. The chain was left up for a time after the tournament and after seeing what an improvement there was, was left up. No one complained to them about the chain until he was contacted by Chief Building Official Ron Ivie in November 1996 when Mr. Roberts was told that he was obstructing a fire access. The golf course expressed some initial unhappiness for the timing of their action but has stated in writing its support for what they are attempting to do. Mr. Roberts stated that Ron Ivie told him, Jack Shin, and Bob Dillon, on a number of occasions that the chain was not an obstruction and City equipment could go through it without difficulty, but that his concern was that Sunny Slopes on the golf course property was not being plowed. Ron Ivie told them that somehow Gleneagles had an obligation to plow it and they disagree. Roger Harlan asked if there was agreement in the Association to keep the chain up after the tournament. Mr. Roberts responded that the Board informally met and agreed to keep the chain in place after the tournament. He believed that they had acquiescence of the membership as no one asked to take the chain down.

Mr. Roberts continued that Ron Ivie discussed the question of how this issue would be legally tested and there were two possibilities including a civil action and a criminal proceeding. Ron Ivie indicated his interest that the Association was recorded to make sure there was a legal entity to sue. They pointed out to him that Gleneagles had been organized; the CC&Rs had been recently amended and were about to be filed with the County, and he would have a legal entity to sue. In a second meeting with Mr. Ivie, he told them that he would consider the points he raised with counsel and would get back to them with the City's position, but he never did. Mr. Roberts added that instead, with the instigation of Mr. Dawson, he was cited for criminal conduct and the City has on two occasions without benefit of court order, destroyed personal property of their Association and on the second such occasion seized their property. A month or so after Mr. Roberts was charged, Mr. Dillon and he met with Ron Ivie and the City Attorney in an effort to resolve his criminal matter and to see if there was agreement which would permit the City not to object to the installation of a control device at that point in question. Ron Ivie and the City Attorney would have none of it, and the City Attorney indicated that no control device was permitted by the Park Meadows Master Plan.

She advised that if they were intent on installing one, the only possibility was to seek an amendment to the Plan by a conditional use permit process. She told them that the City did not like gates and that if they sought to amend the Master Plan, she would oppose it. She also said that she lives in the Park Meadows area, and that anything that interfered with her ability to pass through their subdivision somehow violated her rights. Mr. Roberts stated that they gave Ron Ivie and Jodi Hoffman a settlement proposal, which is in the materials submitted to Council. She barely looked at it, and rejected it. The City Attorney's attitude has been amply reflected in the Planning Commission's deliberations and ruling on this matter. The Commission has tailored its decision in a way to preserve its ability to not rule on the wisdom of the gate, but only on the process required. The City's bias is evident. He continued that on October 8, prior to hearing the presentation to the Commission, one of the Commissioners asked the City Attorney if she was confident that the Commission could agree on findings that would permit it to support Director Lewis' recommendation. There is no doubt the conclusion that Commissioner was headed toward without ever hearing from them. Mr. Roberts stated that Chairman Erickson never disclosed his role as a planner with J. J. Johnson with respect to the planning of the Gleneagles Subdivision in 1983 and was interviewed by KPCW on the day after the Commission's final action of October 22. He quoted Mr. Erickson's comments on the radio which indicated that Park City says no to gates based on a long-term City policy that this is an inclusive town and gates do not promote the concept that we are one city of Park City and they also tend to affect snow removal, fire protection, and traffic patterns through other subdivisions. Mr. Roberts continued that these comments were reflected in the comments from the majority of the Commissioners and amply reflect the bias of the Commission. It is their conclusion that regardless of process, the Commission will do all that it can to prevent them from installing a gate which they are entitled. In a letter to Jack Shin dated July 1, 1997, Mr. Lewis ruled that the gate they proposed could only be approved upon modification of the original Park Meadows Master Plan. He displayed the letter. Based upon discussions with Mr. Lewis, it is his understanding that a master plan, unlike a subdivision approval, is acted on by the Planning Commission and not the City Council and that the Plan is comprised of maps, including a master road map. Mr. Lewis based his determination that a conditional use process to amend the Master Plan was required and Mr. Roberts read Mr. Lewis' letter. The original Master Plan density and all of the maps for Park Meadows show in Gleneagles multi-family housing and Gleneagles, as approved in 1983, is single family housing and they believe that the approval in 1983 also amended the Master Plan with respect to gates. Assuming, for purposes of discussion, that the gates were inconsistent with the original plan in any event, and they do not believe they were, their plat says control of access is permitted and if the right to control access to private roads is spelled out but it is necessary to also spell out the means of control, and they aren't spelled out, then the plat is meaningless. The right given by the plat then is illusory and this is nonsense. To apply Mr. Lewis' reasoning on this point would mean that nothing is permitted, not even signage, which was what the City Attorney told the Commission was contemplated. He didn't know how she knew that signage was contemplated by this provision. Mr. Roberts added that it is their position that gates are a reasonable means to control access and those are permitted whether or not expressly mentioned. Nevertheless, he believes that he can demonstrate that gates were specifically contemplated when

the Park Meadows Master Plan was approved in 1983. If the decision on their appeal, the Planning Commission does not address the failure to mention specifically gates, he assumes that the Planning Commission rejected it as a reason which is not valid. Mr. Lewis' second reason for requiring a conditional use process was that the entity to control access over Sunny Slopes Drive is the Park Ridge Association. If there are people who can speak on behalf of Park Ridge, and contend that installation of a proposed gate would violate their rights, the matter can be resolved as a private dispute between them, but the point is that the City has no place in the midst of that dispute if one exists. Having based his ruling at least in part on this point, Mr. Lewis came to the Planning Commission with the concurrence of the City Attorney, and said that the issue before the Commission was not who could install a gate or if a gate is permitted, but only whether a gate was permitted. This occurred notwithstanding the City Attorney's preoccupation with alleged rights of property owners in Park Meadows all of whom she inaccurately asserted were members of Park Ridge.

He referred to the findings that the Commission did not adopt. The City Attorney proposed to the Commission a finding that the use of the gate on Sunny Slopes was not proposed or evaluated by the Planning Commission at the time of the original review and approval of the Park Meadows Master Plan development. This finding was not adopted because the Commissioners were not sure it was accurate and the Commission's rejection is an admission that such a consideration did occur. If it is merely uncertainty, then the Commission seems to want to make them jump through hoops a second time. There is a general maxim of law with regard to what is required to be done and what is presumed to have been done. Mr. Roberts stated that this is applicable in considering what occurred in connection with the Planning Commission's approval of the Park Meadows Master Plan and the City Council's approval of the Broken Spoke and Gleneagles Subdivisions in 1983. On February 23, 1983, the Planning Commission met to consider approval of the Master Plan for Park Meadows and approval of the Broken Spoke Subdivision, and he displayed the agenda. The staff reported that the need for a master plan was prompted by the request by the Commission for an overall plan for Park Meadows prior to approval of additional development parcels. He continued that at the time Broken Spoke was pending, Fairway Village 1 and 2, and Park Meadows 6A both had been previously approved and there's evidence that there was concern that things were happening in an uncoordinated fashion. The staff recommended approval of the Master Plan which included plans for density, sanitary, sewer, drainage, road, slope, open space and trails. Conditions in the staff report (Conditions No. 8, 9, and 10) include development review for specific development parcels delineated on the Master Plan shall follow conditional use process for planned unit development. Another condition states that no development parcel shall be sold unless amendments to the Master Plan are first approved by the Planning Commission which specifically address conditions to be placed on parcels which might be offered for sale. He referred to another condition which indicates that these conditions be listed on the master density plan mylar copy. At the Planning Commission hearing on October 22, he asked Mr. Erickson if it was his position that the Park Meadows Master Plan required that no development parcel could be sold unless amendments to the Master Plan were first approved by the Planning Commission which

specifically address conditions to be placed on parcels which might be offered for sale. Did the Park Meadows Master Plan include Condition No. 9? His response was that he wouldn't know without reading the Plan. Paul Sincock asked if he is suggesting that CC&Rs are also a condition that is placed on a parcel prior to sale, and Mr. Roberts indicated that he is suggesting this. Mr. Roberts stated that the Planning Commission approved the Master Plan on February 23 as recommended by staff including the conditions described. Having approved the Master Plan, the Commission preliminarily approved Broken Spoke subject to compliance with all conditions of approval of the Park Meadows Master Plan. The Master Plan, just approved, required submission of CC&Rs as part of the conditional use process. He suggested that that approval, followed by the approval of the subdivision, in a conditional use process proceeding does one of two things, amends the Plan, or it confirms that the CC&Rs are consistent with the Plan and no amendment is required. It is clear that the submission of the CC&Rs is to assure conformity with the Master Plan and the Planning Commission approving Park Meadows Master Plan and the Broken Spoke and within ten weeks Gleneagles, leaves no doubt as to the Commission's intention at the time. The Planning Commission files concerning Park Meadows, Broken Spoke, and Gleneagles are not well organized and do not appear to be complete and the lack of completeness is particularly evident in the Gleneagles file.

Mr. Roberts stated that the Broken Spoke CC&Rs were submitted as part of the Broken Spoke conditional use permit proceeding in February 1983. He displayed a letter dated March 7, 1983 to Mike Vance, Community Development Director from City Attorney Thomas Clyde. Mr. Clyde describes a number of things required before the Broken Spoke plat can be released for recording including the final approval by the Planning Commission. Mr. Clyde reported that he had the original CC&Rs and once the conditions have been met, he will release the plat and the CC&Rs to be recorded. The plat was recorded on March 11, 1983. He reminded Council that the Park Meadows Master Plan provides recording on mylar the density map and submission of CC&Rs for the Planning Commission to assure conformance with this plan. The Broken Spoke CC&Rs are dated February 28, 1983 and he displayed the cover page. The declarant specifically designates Broken Spoke Subdivision as being subject to the master declaration. Paragraph 4.1.0 of the same CC&Rs states that no individual entry gate to lots will be allowed in Broken Spoke Subdivision. A security gate may be installed for the entire subdivision at the point the common private road enters the subdivision. He reiterated that the Master Plan provides that any conditions for development parcels within the Park Meadows area must be reviewed for conformity to the Plan. When the Broken Spoke Subdivision was approved, entry gates were permitted. The language on the plat, which is the same as Gleneagles, says that the access can be controlled and this would include gates. He believed that a community gate was already permitted under the Park Meadows Master Plan and by approval of the subdivision, submission of the CC&Rs, the Park Meadows Master Plan was amended to permit gates.

He continued that there has been a lot of dancing around by City officials about the submission of CC&Rs. They have been told that the submission is for the purpose of checking the CC&Rs for conformity with state law. The conditions adopted by the Planning Commission for

CC&Rs is for conformity with the Master Plan. Mr. Erickson admits that the CC&Rs for Gleneagles were submitted to the Planning Commission in connection with the Gleneagles conditional use permit proceeding shortly after the Broken Spoke Subdivision. The Gleneagles CC&Rs were submitted by the same developer and approved as a part of the conditional use process for Broken Spoke to assure conformity with the Master Plan or by approval of the subdivision to amend the Master Plan for conformity.

He stated that the Gleneagles CC&Rs were recorded on August 11, 1983, following Planning Commission, City Attorney, and City Council approval after the identical procedure was followed for Broken Spoke. Gleneagles is expressly designated as part of Park Ridge and Paragraph 4.1.0 addresses entry gates. In 1983, by way of conditional use processes, gates were considered in connection with the approval of the Park Meadows Master Plan and were determined as being consistent with the Master Plan and in connection with the subdivision approvals for Broken Spoke and Gleneagles. Gleneagles had its conditional use process in 1983 and gates were approved, whether or not the City now has a bias against gates. That bias is not a legal basis to require a second conditional use process.

The Mayor pointed out that Mr. Roberts has been speaking for over an hour and ten minutes and urged him to conclude his presentation. Jim Roberts insisted that he is presenting the findings which the Council is to review. They agree with Finding No. 1. They agree with Finding No. 2 that the Planning Commission is authorized to rule on the appeal of the decision of the Community Development Director. They agree with Finding No. 3 that the 1983 LMC does not list gates controlling access to streets as a "permitted use". They agree that Section 7.19.2 of the 1983 says whatever it says. They agree that Gleneagles is part of Park Meadows and that Chapter 10 of the 1983 LMC says what it says. With regard to this finding and Findings No. 3A through C, as well, Mr. Roberts pointed out that the 1983 LMC was not adopted until after the approval of the Park Meadows Master Plan and the approval of the Broken Spoke and Gleneagles Subdivisions. The 1983 Code was not effective until January 1, 1984 and accordingly it is not at all clear that the 1983 Code has any application to the 1983 approval process for Park Meadows, Broken Spoke, or Gleneagles unlike the conditions of the Park Meadows Master Plan's application on the approval of Gleneagles and Broken Spoke. He emphasized that they reserve their rights with respect to this particular point. What is clear, however, is that a conditional use notice proceeding occurred in 1983 in connection with approval of the Master Plan and the Broken Spoke and Gleneagles Subdivisions and as a part of those proceedings, gates for both were approved.

Mr. Roberts conceded for purposes of argument only that the City has applied the conditional use processing criteria for reviewing applications and amendments to master planned developments. The City did hold conditional use process proceedings with respect to the Master Plan, and approval of the subdivisions. They assumed for purposes of this argument that traffic circulation is normally important in the planning process when reviewing master plan developments. They do not concede that it is important in connection with their proposed gate given the facts of the

situation. Furthermore, the City had an opportunity to and presumably did, consider this issue in connection with the 1983 CUP proceedings. He referred to Finding H, and stated that subject to the point he made in reference to Findings 3A though C and E, the 1983 Code says what it says and again they assume that the City did what it was required to do in connection with the 1983 conditional use process for approvals of the Park Meadows Master Plan, and the Broken Spoke and Gleneagles Subdivisions. They have been advised by Mr. Lewis that the City Fire Marshal, Fire Chief, and the Police Chief do not object to the gate as proposed. With regard to Finding I, they agree that the Gleneagles CC&Rs speak of security gates for the subdivision. Their point is that in approving the Gleneagles Subdivision, the City confirmed that gates were permitted by the Park Meadows Master Plan or in effect amended the Plan to permit gates. Whether the City enforces CC&Rs is beside the point. They are not asking that the City enforce CC&Rs and would be happy if the City would butt out once it has issued a permitted use permit, which it has already approved. He felt that his comments are sufficient to address Finding J. With regard to Finding K, he agreed that if a conditional use permit were required, a public hearing would be required. He stressed that such hearings occurred in 1983 as Bruce Erickson himself secured the hearings. It is clear now that a CUP proceeding is a device to turn down their application for a gate that has been previously approved as consistent with the Park Meadows Master Plan. The bias and objectives are so obvious they don't think collaboration is required, but reserve their rights. He reiterated his argument regarding the gates appearing in the CC&Rs and conformity with the Master Plan.

Mr. Roberts referred to the Conclusions of Law of the Planning Commission and its refusal to override the determination of the Director of Community of Development is an error and should be reversed. He requested that these remarks and his exhibits be made a part of the record. He also requested that their prior submission be part of the record. He requested a copy of the transcript of these proceeding, a copy of the draft minutes, and a copy of the tapes. The City Recorder indicated that she would not be preparing a transcript. Mr. Roberts stated that he will entertain questions except those pertaining to his activities on January 31, 1997 due to the pendency of his trial.

The Mayor asked the City Attorney to respond. Jodi Hoffman clarified that the crux of the argument is that somehow because security gates are referenced in private CC&Rs it is tantamount to the Master Plan Development approval of a gate and that is ridiculous. She emphasized that there is nothing that appears on the Park Meadows Master Plan Development that allows gates within the Gleneagles Subdivision. Paul Sincock pointed out that the Master Plan Development in this case required the approval of CC&Rs which burdened the individual properties and would have been reviewed by staff. Ms. Hoffman responded that CC&Rs are conditions which govern the democratic principles associated with private home owners' rules within a subdivision. They are not necessarily conditions that follow from master planned development approvals. Often there are notes on a plat with deed restrictions for less typical things. Paul Sincock asked if other CC&Rs for Park Meadows subdivisions, like Four Lakes, were reviewed as a part of a conditional use process. The City Attorney explained that they wouldn't be reviewed as part of a conditional

use permit; they would be reviewed as part of the accouterments of title which are necessary to subdivide the property. They are not necessarily reviewed for content, but for process as it is important that the City review CC&Rs to be certain that the developer who originally controls the home owners association ultimately gives up control in a relevant time frame. It is also important for the City to look for things like racially or age restrictive covenants which are absolutely illegal as a matter of law. She continued that is verbiage in CC&Rs that has no relevance to the City. The City is primarily interested in making sure that democratic control of the home owners association passes to the home owners. Paul Sincock asked if there was a provision for a gate and the City didn't strike that provision if it would be tantamount to an approval. Ms. Hoffman explained that association members have a right to decide how to use their common property among themselves, but it doesn't alleviate their obligation to go through the regulatory process.

She continued that Mr. Roberts asked her at the Planning Commission meeting what control access means if it doesn't mean gates and she suggested it could mean signs. That didn't mean that they could put up signs but signs are something that could have been contemplated. Ms. Hoffman reminded Council that they just reviewed the Sign Code in work session where applications require a conditional use process for most types of signs within the City. A master plan is concept approval which goes from a large scale master plan, small scale master plan, and then subdivision and the Code needs to be applied at each step. She explained that the master plan for Park City Mountain Resort obtained in 1997 does not vest them for buildings to be built in 2005.

Roger Harlan commented that the inclusion of a gate in the CC&Rs is not an automatic guarantee that they can have a gate. Ms. Hoffman agreed and explained that CC&Rs provide notice for anyone purchasing or anyone currently living in the subdivision that installation of a gate is a possibility in the subdivision. It doesn't give them a license to go ahead and put up a gate without City process. Paul Sincock pointed out that Mr. Roberts has stated that they have already been through a conditional use process in 1983. Ms. Hoffman answered that they went through a subdivision process which has been loosely referred to as a conditional use process, which are two very separate things. There is no mention on the documents that the City signed off on that they get a gate and it would have been there had they had the right to do it. Instead, in private documents that were done simultaneously for private purposes, there is a reference of a security gate, but it is not part of a master plan; it is part of a document necessary for their subdivision which is a completely different process. Subdivision approval is not an amendment to a master plan; it is just subdivision and is an entitlement to sell lots. Ms. Hoffman added that the City typically requires submission of CC&Rs prior to recordation of a plat, but the City's interest is not the same as the developer's or the home owner's. The City's interest is primarily to be certain that the democratic process is played out so the developer doesn't contain control of the rights and responsibilities within the CC&Rs for any longer than he has to; the City requires the developer to divest control, and give it to the home owners as quickly as possible.

Ms. Hoffman continued that the City's practice in reviewing CC&Rs in 1997 is completely different than it was in 1983. She noted that there was one 25 year old attorney doing all of the work in Park City during a boom period and the level of scrutiny given to private documents was far less than it is today. Even today, a reference to a security gate in CC&Rs would not necessarily be stricken through the review process, because it doesn't alleviate the responsibility of the home owners association to use the City process. Ms. Hoffman questioned if the CC&Rs were even looked at in the early and mid 1980s and felt they were treated more like a check list item as opposed to substantive review. The legal staff tries not to interfere in the governance within subdivisions other than to make sure democratic control conveys early and there aren't any illegal covenants within the documents. She emphasized that if there is a racism clause in the CC&Rs and somehow the City missed it, it wouldn't mean that the City approves racism in the subdivision. It also would not mean that the Planning Commission approves racism, because only the City Attorney and City Engineer review CC&Rs. Ms. Hoffman emphasized that if gates were in the Master Plan, it would say so. Every subset of a large scale master plan, according to the LMC, needs to come back with a small scale master plan which is also a conditional use permit and this needs to go through the correct process. In response to a question from Paul Sincock, Ms. Hoffman explained that the conditional use process is part of the LMC and is provided for in the state code if cities elect to use the process. Park City has used the process since about 1983. Hugh Daniels made a statement that CC&Rs have no effect of law on the City, but are designed to be a contract among the home owners to control those homes and common property. If there is a conflict between the CC&Rs and the LMC, the LMC takes precedence. Ms. Hoffman agreed.

The City Attorney stated that there was a lot of discussion about bias before the Planing Commission and discussions with staff. She pointed out that from staff's perspective, the discussions have not been conveyed accurately. What has been stated in cold and calm, rationale tones before Council today were not stated to staff in cold, calm or rationale tones in those meetings; there were very heated discussions. Ms. Hoffman continued that the first point Mr. Roberts made was that the northern access into Gleneagles is not a platted road but a driveway. He is correct that it is not a platted road, but the public likely have rights in the road at this time. If the public has been using the road for in excess of ten years, there are prescriptive rights at least in those members of the public who have used it, if not the public generally, and this is by action of state law. She referred to the streets in Old Town that are platted differently than the rights-of-way. Mr. Roberts paid special attention to the owner's dedication of a right-of-way within the road to the Gleneagles home owners, but it also applies to the Gleneagles invitees and guests. One of the problems of putting a gate up in the northern end of the subdivision and why a conditional use public process needs to be engaged is that even the invitees of the Gleneagles home owners are prohibited access through the gate like service workers or delivery trucks. None of them can access Gleneagles in a logical direct fashion and must travel through other subdivisions in order to serve Gleneagles. Other subdivisions are impacted only to the benefit of Gleneagles and not for the benefit of them. The home owners are not the only ones who can control access and have a right of use of the roads. Ms. Hoffman added that delivery trucks have prompted contention for the Fairway Village residents. She explained for

the benefit of Paul Sincock that the direct access for Broken Spoke through Park Meadows is through Gleneagles.

Ms. Hoffman stated that these roads were constructed in 1983 and by 1993 had not been obstructed, resulting in prescriptive rights in the road and in everyone who used the road through Gleneagles, not just the spur between Gleneagles and Meadows Drive. Those rights are being curtailed. Ms. Hoffman continued that there is talk about legal rights as if the only legal rights that exist across the road are recorded in the County Recorder's Office. That isn't true in Park City as the lion's share of the roads in Old Town are clearly prescriptive and that doesn't give anyone the right to gate them. In response to a question from Roger Harlan regarding prescriptive roads being public, Ms. Hoffman stated that there can be private prescriptive rights which everyone in Broken Spoke who has traveled the road for ten years has. She emphasized that this isn't the issue at stake and all the City is contending is that there needs to be a public process by which an application for a gate, which is not a listed use on the LMC land use table, needs to obtain a conditional use or a variance. Ms. Hoffman finds it implausible that one would contend that something in CC&Rs somehow amends a master plan.

The City Attorney stated that there was reference to a finding that was stricken from the draft findings and conclusions and added that she wasn't in attendance at the Planning Commission meeting at the time of the adoption of the findings. She felt that striking the finding had more to do with the Planning Commission being uncomfortable with the appeal process because they are unfamiliar with it. There was testimony from the Community Development Director on October 8, 1997 that his review of the Park Meadows Master Plan did not include a gate for Gleneagles, but it was unclear to them. Subdivision is much different than land use or zoning. CC&Rs have no effect on amending zoning or master planning. She emphasized the Community Development Director 25 years of experience in land use, and the Planning Commission's unanimous consensus that its interpretation of the LMC requires a conditional use permit. An amendment of the original Master Plan or an independent conditional use permit is a generous ruling, because the LMC indicates that if a land use is not listed within the land use table, it is not allowed. A controlled access gate is not listed. The only way staff could think of them getting this considered was through some sort of impact mitigation process that occurs through master planning, and the only way to ameliorate those impacts is through a conditional use process. The Planning Commission could have ruled that this is disallowed, because it is not on the land use table.

Ms. Hoffman emphasized that this is an important issue to the appellants and equally important to their neighbors for the same reason relating to traffic impacts. Neighbors are not here tonight to testify because they are not a party of interest, but if a conditional use permit process is engaged, those people will have an opportunity to express how a gate will impact them and how to mitigate the impacts if a gate is approved.

Council member Sincok expressed that he is uncertain if a conditional use process was evoked in 1983, as Mr. Roberts suggested, and he would be interested in the arguments surrounding that issue. Ms. Hoffman explained that the record indicates that they submitted a subdivision application for Gleneagles which may have been termed a conditional use permit, although that would be wrong nomenclature, but that term could have been used. Using the term, "planned unit developments" was discussed. The Mayor asked if Council overturns the Planning Commission's decision, if the gate can be installed. Ms. Hoffman stated that is correct. The Mayor confirmed that if the Council upholds the Planning Commission's decision, Mr. Roberts can apply through the CUP process. Jodi Hoffman added that his other option would be to apply for a variance through the Board of Adjustment. She stated that Mr. Roberts has gone to great length to indicate bias on the part of staff, which in large part is irrelevant because the staff is not the decision-maker other than Rick Lewis. This application was reviewed for conformity with the LMC and nothing more; nothing less. It would have been unfair to the applicant for staff not to indicate that it would be an uphill battle for approval of a gate, because the City does not typically or lightly grant conditional use permits for gates. This information needs to be factored in to how great of an investment they would put into design details, contracts and the effort placed before the Planning Commission in their application for a conditional use permit. Ms. Hoffman believed this was fair and honest advice to give to them.

Jim Roberts argued that Ms. Hoffman's comments ignore specific provisions in the Park Meadows Master Plan. It is his recollection that the Gleneagles application was labeled a conditional use permit application for PUD. A PUD was equivalent to a MPD proceeding and the Park Meadows Master Plan provides that development review for development parcels delineated on the Master Plan shall follow the conditional use process. The CC&Rs were submitted to the City and there is an obligation that the City review them for compliance with the Master Plan. With regard to invitees and guests, Mr. Roberts stated that that means Gleneagles residents have the right to use the road and those they invite because they have control. Mr. Sincok brought up prescriptive rights for use over the past ten years. Mr. Roberts did not believe the rights to be prescriptive and if the public has acquired an easement it is another matter. Mr. Sincok asked if Broken Spoke has a prescriptive right. Mr. Roberts noted that Ms. Hoffman indicated that the most direct route for Broken Spoke is through Gleneagles and it is not. Mr. Roberts stated that if people in Broken Spoke believe they have a prescriptive right to use the road and the road is gated, there is a way to resolve that privately. Ms. Hoffman clarified that the question isn't if there are public rights in the road but whether there are prescriptive rights and the existence of the subdivision for in excess of ten years without having anything blocking the road is very strong evidence that others outside of that subdivision have prescriptive rights in the road.

The Mayor reiterated that the decision of Council is whether the Planning Commission acted according to the LMC. In response to a question from Ms. Hoffman about the timing of the last house being built in Gleneagles, Mr. Roberts indicated that one is being constructed now and the one before it was completed three years ago. The City Attorney stated that

master planned developments last for annual intervals and can be revised up to two years without continuous activity. To the extent that Mr. Roberts is saying that an 1983 approval which speaks of controlled access gives them approval in 1997, there would have to be proof that the master plan is still alive and there was continuous activity pursuant to that plan from the time of its inception until now. Ms. Hoffman added that they would need to have a master plan as a bootstrap to get a gate, because a gate is not a permitted use or even a conditional use in the LMC. It was a generous interpretation that they can amend a master plan from 1983 to get a gate, but "no good deed in Park City goes unpunished". There is a vehicle available to them which the Community Development Director and Planning Commission determined, but nothing in the LMC.

Jack Shin, resident, stated that the buyers in the mid 1980s believed they were getting private roads. They would like to control access through their private road and not block the other entrance. If this is denied, the City is putting the private road status into public status. The Mayor stated that the Council is not deciding this tonight and they have the ability to come back and go through the CUP process with the Planning Commission. Mr. Shin stated that the City is creating double jeopardy.

Mr. Harlan asked why they do not want to go through a CUP process; Mr. Roberts indicated that they would be denied. Paul Sincock suggested that Council take this under advisement as he would like to review documents further to determine if a CUP process took place in 1983 and if in fact one did, they would have a stronger argument. He would feel more comfortable doing this so he can clearly understand the 1983 process. Mr. Roberts offered to make copies of all of the documents discussed. Ms. Hoffman believes this is wise but cautioned Council to not take ex parte information or conduct independent research. The Mayor requested a motion to take this matter under advisement and to continue it to sometime in January. Paul Sincock, "I so move". Motion died for lack of a second.

Hugh Daniels stated that in reading through the documents and listening tonight, it is a circuitous route to get to the end decision. The Council has chosen an error of law methodology in dealing with appeals and should focus on whether the Planning Commission acted accordingly. One of the key words in the master plan is "control" and there was some reference to "gate" and he questioned whether control equals a gate. He noted that he spent time reviewing the LMC trying to find those words and how they were defined, and was unable to do that. He is not sure that there would be a prohibition of some sort of a control device. The means of control may be there but they have to be approved through the LMC and who has that control is not before the Council whether it is Gleneagles, Park Ridge or someone else. Mr. Daniels is not convinced that the MPD that was done allowed a gate as a permitted use. It was in the CC&Rs, but those are not the LMC and while the residents are put on notice, there is no compelling reason that gates are a permitted use. CC&Rs are local guidelines for that part of the community and it is leap to lead Council to think that in 1983, some sort of controlling device became a permitted use. In looking at the LMC, Mr. Daniels stated that it appears that gates are not permitted or the ability to consider them is done through a

conditional use process that is separate and apart from the master plan or subdivision that was approved some years ago. Unless the Council can convince him otherwise, he is leaning to upholding the Planning Commission's actions. Paul Sincock agreed with Mr. Daniels' logic, but questioned if the appellants went through a CUP process in 1983 which gave them permission for a gate. Mr. Daniels answered that in reviewing what the appellants have provided, he understood that they went through a master plan and a subdivision and went through a number of things very similar to a CUP. They had public process, public hearings, but he did not feel that they went through a conditional use permit specifically for a gate. Paul Sincock added that that may be evidenced by the fact that a gate has not been installed for over ten years. Roger Harlan stated that the development of the facts would lead him to believe that the Planning Commission, with the tools that it has, has not erred in its logic or in its application of the LMC. Hugh Daniels, "I move that we direct staff to prepare findings and conclusions that uphold the Planning Commission's action in the requirement of the conditional use permit concerning controlling access in the Gleneagles Subdivision". Roger Harlan seconded. Paul Sincock stated that he is sympathetic with Mr. Roberts' arguments about a preconceived idea of the City not wanting gates. Whether or not that would be upheld in a CUP proceeding is unknown and the crux of the argument is whether Gleneagles went through a CUP process in 1983, whether it met the conditions of the process, and whether a gate was specifically approved. A gate was included in the CC&Rs but they don't take precedence over the LMC. Mr. Sincock stated he is persuaded at this point in time that there is not enough evidence to support the fact that a CUP process took place back then and whether that process actually authorized a gate. Hugh Daniels encouraged the appellants to use the CUP process and feels that the Planning Commission is fair, and depending on the mitigation plans, it may be acceptable to the Planning Commission. Roger Harlan observed that the acrimony that has been created over the last several months is so strong that he understands why Gleneagles would be reluctant to go through a process inviting neighborhood input, which is unfortunate. Jodi Hoffman suggested that staff be directed to draft findings and the documents be obtained from Mr. Roberts for Council review. She reminded Council and the appellants that this is not a final decision but direction to staff to provide basis to make a final decision. If the review of the documents in any way colors Council's opinion of the facts, Council's opinion can be reflected in revised findings. There was discussion about reaching agreement on the findings with the appellants. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Abstention
Chuck Klingenstein	Absent
Paul Sincock	Aye

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

* * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:45 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincok. Chuck Klingenstein was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Paul Sincok, "I move to close the meeting to discuss property acquisition". Roger Harlan seconded. Motion carried.

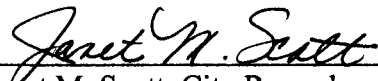
Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Absent
Paul Sincok	Aye

The meeting opened at approximately 4:45 p.m.

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The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott



Janet M. Scott, City Recorder





CITY COUNCIL STAFF REPORT

DATE: December 11, 1997
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow *AK*
TITLE: Revisions to Title 12, Signs, of the Park City Municipal Code
TYPE OF ITEM: Work Session

SUMMARY RECOMMENDATIONS:

Staff requests the City Council to discuss the recommendations on the proposed amendments to Title 12, Signs, of the Municipal Code. A Public Hearing will be scheduled for a subsequent meeting.

A. Topic:

Proposed amendments to Chapter 12 of the Municipal Sign Code.

B. Background:

The Planning Department last brought the revisions in front of the City Council for discussion on July 31, 1997. At this time Staff received comments from the Council which are outlined within the Analysis section of this report. Please see Exhibit B for the minutes of this last meeting.

In October 1995, the staff initiated the proposed amendments to the Sign Code. Over the course of the last two years, a public review process was conducted at the Planning Commission level. Three public hearings were held on the subject and the Main Street Merchants and the business community were all contacted by staff. In April of 1996, the City Council held a work session on the proposed amendments. Direction on several items were given to staff. In May of 1996, the ordinance was tabled until high priority scale projects had been completed. Please see Exhibit A for minutes of these past meetings.

C. Analysis:**Objective:**

The purpose of the Sign Code is threefold:

- 1) To set forth explicit parameters which will enhance the appearance of the community by allowing businesses to clearly identify themselves;
- 2) To encourage aesthetically pleasing signs which complements the building architecture; and,
- 3) To give the business community very clear direction on what is permitted.
- 4) Improve the health, safety and welfare of the citizens of Park City by minimizing visual clutter and clearly identifying traffic and directional signs.

The proposed amendments were initiated with these parameters in mind. After the July 31, 1997 City Council Meeting, Staff re-evaluated certain elements in the proposed code and clarified definitions. The draft before you reflects these changes.

Outlined below is a summary of the major changes made to the ordinance since this was last brought before

the Council.

(1) Chapter 2 - Definition: Area of a Sign

Staff was given direction at the July 31, 1997 City Council Meeting to revise the definition for the Area of a Sign. The previous definition required the text or logo area having no perimeter or border by computed by enclosing the entire area within a geometric shape and computing the area for that shape. Staff is proposing the following definition:

The area of a sign face shall be computed by measurement of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This shall include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area calculation shall not include structural supporting framework, bracing or wall when such wall meets zoning ordinance regulations and is clearly incidental to the display itself.

If individual letters are mounted directly on a wall or canopy, each message shall be considered a sign. The sign area shall be the area in square feet of the smallest rectangle which encloses the sign, message or logo.

(2) Section 12-4-1 Total Sign Area Requirements

The total area of all permanent signs on a building facade is currently limited to forty-five (45) square feet. If additional sign area is necessary, the Planning Commission may grant additional sign area, but in no case may the total sign area exceed 5% of the building face to which the sign is attached. Staff believed the standard was difficult to apply and negotiate so the following formula was devised and proposed at the City Council's April 18, 1996 Work Session.

Linear frontage of a building X .66 = total square footage permitted, with a condition that sign area shall not exceed twenty (20) square feet of sign area per facade.

Council commented at the meeting that the formula seemed to restrictive, limiting size on a building's allowable sign area, which is currently forty-five square feet, down to twenty square feet per facade or less. At the July 31, 1997 Meeting Staff presented a calculation which would keep the sign area allowed in proportion with the building's length. The comments Staff received from the City Council regarding the ultimate reduction of sign area for the businesses and the resulting proportion of the sign area to the building facade, through the proposed formula, was not convincing.

Given the City Council's comments from the previous meetings. The Staff still believes a reduction of the amount of sign area per building face would benefit the community aesthetically. Staff has decided to keep with the current regulations as outlined in the Sign Code with minor grammatical clarifications in order to get these revisions passed. The text will read as shown below.

The sign area, per building facade, may not exceed 5% of the building face to which the sign applies, or 45 square feet per building face or 36 square feet per building face if used in conjunction with a free-standing sign, regardless of the number of businesses occupying the building, whichever is smaller. If additional sign area is necessary, the Planning Commission may grant additional sign area, but in no case may the total sign area exceed 5% of the building face to which the sign is attached applies.

Additional sign area will need to have review criteria established. The criteria will be discussed during the work session.

(3) Chapter 5 - Nonconforming Signs

The City Council brought up a concern regarding non-conforming signs once this Code was adopted. Staff does not recommend amortizing all signs to bring them into conformance in five (5) years due to the anticipated excessive time and expense of implementing such a program. Staff proposes that non-conforming

(4) 12-8-1 (E) Private Plazas

Council felt that this section in the Code needed to be clarified so that businesses in private plazas realize that a sign plan will be reviewed under a MPD application and that they are not exempt. The changes read as follows:

Private pedestrian walkways may have signs on privately owned walls or plazas that are so located to be oriented to the plaza and not to public streets are not regulated, building permits shall be required for mounting and wiring. Private Plazas as part of a Master Planned Development shall have a Master Sign Plan which shall be followed by the plaza's tenants. The Master Sign Plan must be reviewed at the time of the Master Plan Development approval.

(5) Chapter 9 Permitted Sign Regulations

Staff has revised the Code into a new format. The format is inclusive in that all regulations that apply to a particular type of sign are placed in one section. This will help the user find what they are looking for more clearly.

Several new types of signs have been added and the existing sign types have been clarified. Listed below are the specific regulations regarding height and size for each sign type. The capitalized sign types indicate new types of signs.

SIGN TYPES AND SIZES				
TYPE OF SIGN	EXISTING	PROPOSED		
		APRIL 18, 1996	JULY 31, 1997	DECEMBER 11, 1997
Awning/Canopy	20% of awing/canopy	20% of awning/canopy	20% of awning/canopy	20% of awning/canopy
Campaign	3 S.F./side	3 S.F./side	3 S.F./side	3 S.F./side
Changeable Copy	See Note ¹	See Note ¹	See Note ¹	See Note ¹
Construction	36 S.F.	24 S.F.	24 S.F.	24 S.F.
Directory	36 S.F.	20 S.F.	15 S.F./6' ²	15 S.F./6' ²
DISPLAY BOXES	None	None	6 S.F.	6 S.F.
Entrance/Exit	3 S.F./5'	3 S.F./5'	3 S.F./5'	3 S.F./5'
FLAGS	None	24 S.F.	24 S.F.	24 S.F. per flag
Free-Standing	45 S.F.	20 S.F./5'	20 S.F./6'	20 S.F./7'
Hanging/Projecting	18 S.F.	8 S.F.	12 S.F.	12 S.F.
Luminous Tube	See Note ¹	See Note ¹	See note ¹	See note ¹
Menu/Event	2 S.F.	2 S.F.	2 S.F.	2 S.F.
Real Estate	3 S.F.	3 S.F.	3 S.F.	3 S.F.
SUBDIVISION	45 S.F. ³	None	10 S.F./6'	10 S.F./7'
UMBRELLA	None	5" Letters	5" Letters	5" Letters
Wall	45 S.F.	Linear footage of facade x .66	Linear footage of facade x .75	Maximum Sign area of building face
Window	no more than 50% of total window	1 S.F. each, no more than 30% of total window	1 S.F. each, no more than 30% of total window	1 S.F. each, no more than 30% of total window

¹ All other size requirements set forth in this Code must be adhered to

² Free-standing directory boxes are limited to a maximum height of 6'

³ Permitted only as part of subdivisions of 50 lots or more or master planned developments

SIGN TYPES AND SIZES				
TYPE OF SIGN	EXISTING	PROPOSED		
		APRIL 18, 1996	JULY 31, 1997	DECEMBER 11, 1997
Yard	3 S.F./side	3 S.F./side	3 S.F./side	3 S.F./side

(6) Chapter 12 Master Festival Sign Plan

This section was developed to address signs associated with Master Festivals and other special events that occur in Park City. From recent discussions with Melissa Call, Staff was notified that the Master Festival License Application was being revised and will be brought to the City Council in February. In the revision, text will be added addressing specific criteria needed for sign review by the Planning Department.

The current revision of the Sign Code now refers to the Master Festival License Application, but does not include the specific review criteria. The review criteria is not proposed to be added to the Sign Code so that the Master Festival Application can maintain its flexibility without requiring dual ordinance changes. The text within the Master Festival License Section will read as follows.

Any person desiring permission to display temporary banners and signs related to an event on various dates at one location may submit plans along with the application for a Master Festival License, which is issued by the City. Parameters and requirements are stated within the Master Festival License Application and shall be reviewed by the Planning Department prior to the issuance of a permit.

Additional Items Revised

Staff clarified and revised the following topics within the Sign Code as requested by the City Council.

- The seating capacity was reduced for entertainment centers within the definition of Directional Signs (Section 12-2-1)
- Seasonal Lighting section was clarified (Section 12-4-10(C))
- Vehicle Signs (Section 12-7-2(M))
- Height of Free-Standing Signs from six feet (6') to seven feet (7') (Section 12-9-2(H))
- Reduction of Campaign Sign height from six feet (6') to four feet (4') (Section 12-10-2(A))
- Clarifications were made to the Appeals section (Section 12-12-1)

D. Items of Discussion

Staff requests the following items be discussed at the Work Session and encourages Council to discuss any items which they feel have not been addressed.

(1) Total Sign Area per Building Face

Staff would like input from the Council members on the text changes.

(2) Sizes of Signs

Are the revised sizes and heights appropriate for each sign type?

(3) Flags

This is an addition to the Sign Types, are the regulations proposed appropriate?

E. Department Review:

The Community Development Department has reviewed the proposed amendments. The Legal Department will review the final draft prior to a public hearing.

F. Public Input

In 1996, the Planning Commission held three public hearings during their review of the Code revisions and encouraged the staff to solicit public input. Staff also met with the Main Street Merchants Association to review the proposed changes. Subsequent meetings between members of a sign committee formed by the Association and the Planning Staff took place to discuss additional changes to the Code. Staff worked with

these groups to rework the proposed amendments. The Merchants generally support the current draft and in addition recommended that the staff emphasize pre-application conferences to familiarize applicants with the design standards and review process. As a result of these discussions, Staff will revise the business license brochure to include information about sign permit applications.

The Park City Board of Realtors was also notified of the pending revisions and a draft was sent to the Prospector Square Property Owners Association.

This draft has been distributed to the Chamber of Commerce, local sign companies and various City Departments. After this work session, Staff will again send the draft out for comments. Staff has not yet scheduled a Public Hearing to address the proposed amendments to the Sign Code. Once clear direction is heard from the City Council regarding the new changes Staff will schedule a public hearing before the City Council.

RECOMMENDATION:

The Planning Department requests that the City Council review the proposal and give Staff input on the issues discussed above.

Exhibits

Exhibit A - Minutes from 1996 meetings

Exhibit B - Minutes from the July 31, 1997 Meeting

Exhibit C - Proposed Sign Code

\$117,000 and agreed with Mr. Klingenstein's comments.

In response to a question from Joanna Charnes of the Arts Foundation, Toby Ross explained that grant recipients would follow the general three criteria established by Council, but could be more specific with their own additional criteria, which would not necessarily be approved by Council.

3. Parking requirement for 303 Main Street. This item was not on the work session agenda, but Mr. Klingenstein requested that it be addressed. City Attorney Jodi Hoffman explained that this was discussed by Council about a year ago and has again become an issue as a result of a lawsuit filed in federal court in November which was unsealed until last week. The lawsuit alleges that the 1993 purchase of the lot located at 330 Main Street by Jon Olch was not right and there is a footnote in the suit that indicates that because Jon Olch is brother to the Mayor that he received special consideration with regard to parking requirements. She discussed a parking covenant for this property and a lot behind the Barking Frog that was a result of a 1984 master plan for the Main Street Mall. This referred to 22 existing parking spaces but did not indicate how the spaces are allocated. There is also provision for relief at \$10,000 per space. Staff made a calculation based on a ratio of the square footages of the lots and came up with 15 spaces for 330 Main and seven for the Barking Frog. It came to staff's attention that there are only nine legal spaces for 330 Main Street because of snow shedding from the Egyptian Theater and staff determined that the obligation would be ten parking spaces. The lower floor of the new building on the Swede Alley side provides ten parking stalls, one of which does not comply with handicap standards. Because of this deficiency, Jon Olch was assessed and paid \$10,000 for that space. Ms. Hoffman discussed discovering more information regarding parking for the Fields Master Plan, which allocates nine parking structures for 330 Main Street and 13 spaces behind the Barking Frog. She added that Jon Olch has not asked for his money back.

4. Sign code amendments. Planner Janice Lew pointed out that the ordinance reflects the planning staff's recommendation, not the Planning Commission's input. As a Municipal Code amendment, it is not required to have Planning Commission review. There was a review, however, since the Planning Commission uses the Sign Code for various projects. There were three public hearings on this matter and it has been reviewed by the Main Street Merchants, Board of Realtors, and Prospector Square Property Owners Association. A major change is the reduction in the maximum size requirements from 45 square feet to 20 square feet. There was a problem with the maximum in trying to negotiate the size down in consideration of the scale of the building. A formula is proposed to calculate the size. The Planning Commission felt that 20 square feet is too small and felt that the code should not be amended. Ms. Lew also discussed the provision allowing staff discretion for additional signage as opposed to the request going before the Planning Commission. Roger Harlan pointed out that the Dan's sign fits the current standards but in his mind is not aesthetic because it is too small and out of proportion. Mr. Ross pointed out that staff could approve a sign larger than 45 square feet based on 5% of the square foot calculation of the facade.

Exhibit A

Mr. Sincock noted that flags and umbrellas are new categories and asked if there were complaints. Ms. Lew responded that umbrellas had advertising and staff felt they should be regulated. She continued that in some instances for development in the frontage protection zones, the business receives approval for a monument sign and then also displays a logo flag. Shauna Kerr discussed Freedom Mortgage in Salt Lake who didn't like the signage approved and is flying an American Flag as large as the building. In response to a question from Roger Harlan, Ms. Lew explained that the prohibition of subdivision monument signs came from the Planning Commission who likened it to a gated community. Ms. Lew asked for direction about allowing signage for multi-family developments for tourists looking for lodging. Ms. Kerr felt that neighborhoods should be identified as signage is helpful and informational, and Roger Harlan agreed. Ms. Kerr stressed that a subdivision monument sign is substantially different than a gated community. Chuck Klingenstein feared that the community would be cluttered with subdivision monument signs and urged Council to look ahead. Ms. Kerr stated that she understood Mr. Klingenstein's point but suggested that the signage be reasonable and consistent. Hugh Daniels stated that he would like to reduce the clutter unless signage is standardized. Ms. Kerr suggested a change in the seasonal outdoor lighting limitations indicating that it cannot be illuminated before November 1 and After March 1, since it may be difficult to remove lighting because of weather. She also suggested that the frontage protection zone setbacks be identified where mentioned.

Prepared by Janet M. Scott

concern that there would be more lighting fixtures in commercial development and therefore, more clutter. Ms. Ryan agreed that it would affect large parking lots, but didn't feel this scope of development would be likely within the City limits and this ordinance will target smaller businesses. Paul Sincock discussed the problem with Christmas lights on houses year-round, and it was pointed out that the ordinance only addresses commercial lighting. Hugh Daniels pointed out the number of historical electrical fixtures in town, which should be exempted from being retrofitted in consideration of preservation efforts. He emphasized that he wants to provide the opportunity for historic structures to maintain their historic lighting. Paul Sincock suggested that historic lighting standards use clear bulbs, coated bulbs, or less wattage. Ms. Kerr recommended a correction in a paragraph heading in the draft ordinance. In addition to watts, Mr. Sincock recommended that the ordinance also use the terminology of lumens to measure output. Ms. Ryan explained that pole height is determined on a case-by-case basis.

3. Sign Code amendments. See following staff report. Planner Alison Kuhlowl explained that the public hearing is scheduled for August 21. The Sign Code amendments were initiated by staff in October 1995, and over the past two years have been through the public hearing process and distributed to members of the community. In April 1996 the City Council held a work session and staff was directed to make changes but soon after, this project was postponed because of other priorities. Ms. Kuhlowl added that a local sign company, the Chamber/Bureau, and others have received the draft document.

She explained the goals of the legislation as to set forth explicit parameters which will enhance the appearance of the community by allowing businesses to clearly identify themselves; to encourage aesthetically pleasing signs which compliment the building architecture; and to give the business community clear direction on what is permitted. Ms. Kuhlowl stated that she reformatted the Code so it is more user-friendly and attempted to clarify text. She showed examples of signage through illustration of slides and explained that display boxes are a new sign type and the size of flags will be regulated at a maximum of 24 square feet. Ms. Kuhlowl discussed free standing signs which are currently allowed at 30 square feet; it is proposed to reduce them to 20 square feet. There was discussion about the method of measuring signs and calculating the square footage with the height and the width of the sign panel. Paul Sincock pointed out that for signs that do not fit the rectangular format exactly, an applicant may be penalized for calculated but unused square footage. Ms. Kuhlowl explained that signs area is measured from a rectangle, circle, or square form. Roger Harlan expressed his concern that signs will be diminished to the point that it is a hardship for operators and patrons of businesses. He pointed out that Dans Foods had a valid argument when their sign on the building was too small although the sign was subsequently remedied. The Mayor pointed out that the Top Stop sign in relation to the Top Stop building is more generous than the Dans sign in consideration of scale.

Projecting and hanging signs were discussed. Hugh Daniels understood that the Code does not regulate signs on private plazas. Ms. Kuhlowl explained that a sign plan is requested

through the MPD process. Hugh Daniels felt that this section in the Code needs to be clarified so that businesses in private plazas realize that a sign plan will be reviewed under a MPD application and that they are not exempt. Ms. Kerr suggested removing the private plaza exception as the goals of sign regulation should be applied consistently. Mr. Daniels asked if staff would select the geometric figure rendering the most or least square footage for sign area. Meg Ryan interjected that staff would attempt to make the best determination but that could be reconsidered at the applicant's request. Window signs and neon signs will be regulated by the sign code. Ms. Kuhlow added that subdivision signs have been included as it is felt that signs help direct people and provide areas with an identity. Paul Sincock noted that they will be decreased from 45 square feet to 10 square feet and asked if the base was included in the calculation. Ms. Kuhlow indicated that it is, as it encourages the lettering to be placed on the base. There was discussion about snow obscuring the monument sign. She explained that umbrella signs couldn't display suppliers' names, i.e., Coca Cola, Cizano, and canopy signs are addressed under awnings. She commented that not more than 30% of a window can be obscured by a sign. Ms. Kuhlow identified issues of discussion including total site area and approved building signs, master festival signage, subdivision signs, flags, MPD sign plans, and calculation of sign area.

Hugh Daniels and Shauna Kerr discussed the 3,000 patron figure in the master festival section of the code and felt that it should be changed to 1,000 which more accurately reflects the capacity of venues in the community. Hugh Daniels commented on preserving the illumination of historic signs. He felt that seasonal lighting zones should be more clearly identified. Mr. Daniels commented on amortizing signs that are extremely expensive for a period of only two to five years. He pointed out that with regard to illumination, it was decided not to amortize it as non-conforming and asked how many serious non-conforming situations exist. Hugh Daniels also discussed vehicles with advertising parked on public streets, and felt that businesses located in the Historic District should be exempted. He noted that he has a number of issues with regard to flags and would withhold those comments until the next work session. He felt that freestanding signs with posts could come down from 10 feet to eight feet, but had concerns about those with bases reduced to six feet and being able to read them with snow windrows. He felt the square footage of wall signs needs to be discussed and was not sure that campaign signs should be six feet high. He felt the master festival sign plan makes sense but needs more detail like describing Building Department review. Ms. Kerr suggested that those details be included in the master festival license portion of the Code. Mr. Daniels believed that the appeals section was inconsistent with some other sections of the Code. Chuck Klingenstein felt that the allowable square footage for different size buildings are not proportionate. He also suggested applying the formula to different projects to confirm the concept and suggested that the verbiage "complete application" be defined in the section. Ms. Kerr felt it was more of a requirement that can be clarified than a definition. Mr. Klingenstein added that in the master festival signage section, there are no standards for review. In response to a question from Paul Sincock, Ms. Kuhlow stated that she has received some preliminary input from Frank Bell. Roger Harlan reiterated that signs need to be in good taste and well designed but not too small that

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they can't be read. He supported legislation that would not diminish the signs too severely. There was discussion about compiling a list of non-conforming signs.

4. **Paid parking plan.** Hope Bleecker and Brian Andersen gave a detailed presentation on the paid parking plan, which was repeated during the regular meeting. See regular meeting minutes.

Prepared by Janet M. Scott

TITLE 12 - SIGN CODE

CHAPTER 1 - PURPOSE AND SCOPE

12-2-1. PURPOSES AND SCOPE. The City Council of Park City, Utah finds and declares that by controlling and standardizing signage in the community, the regulations set forth in this Title will reduce potential hazards to motorists and pedestrians; encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy; encourage sign legibility through the elimination of excessive and confusing sign displays; prevent confusion of business signs with traffic regulations; preserve and improve the appearance of the city as a *place mountain community* in which to live and work; ~~create an unique environment to attract visitors; attraction to non-residents to come to visit or trade;~~ allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner; safeguard and enhance property values; protect public and private investment in buildings and open space; supplement and be a part of the zoning regulations imposed by Park City; and promote the public health, safety, and general welfare of the citizens of Park City.

12-2-2. INTERPRETATION. The Planning Commission, or Historic District Commission if the sign is in the Historic District, shall have the authority and duty to interpret the provisions of this Title at the request of the Community Development Director or when a written appeal from a decision of the Community Development Department is filed with the Planning Commission or Historic District Commission for signs in the Historic District. In interpreting and applying the provisions of this Title, the sign requirements contained herein are declared to be the maximum allowable for the purpose set forth. The Community Development Department, *Historic District Commission* and/or the Planning Commission may determine *that* a smaller sign ~~would be~~ *is more* appropriate based on the size and scale of the structure(s), pedestrian traffic, *safety issues, orientation, and neighborhood compatibility (See Section 12-4-1).* The types of signs ~~allowedable~~ by this Title shall be plenary and sign types not specifically ~~allowedable~~ as set forth within this Title, shall be prohibited.

CHAPTER 2 - DEFINITIONS

12-2-1 DEFINITIONS. For purposes of this Title, the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

~~(A)~~ **ABANDONED SIGN.** Any sign applicable to a use which has been discontinued for a period of three (3) months.

~~(B)~~ **ALTERATIONS.** Alterations as applied to a sign means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

~~(C)~~ **AREA OF SIGN.** ~~The area of a sign shall include the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, circle or triangle. The area of a sign face shall be computed by measurement of the smallest square, circle, rectangle, triangle, of combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This shall include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area calculation shall not include structural supporting framework, bracing or wall when such wall meets zoning ordinance regulations and is clearly incidental to the display itself.~~

If individual letters are mounted directly on a wall or canopy, each message shall be considered a sign. The sign area shall be the area in square feet of the smallest rectangle which encloses the sign, message or logo.

(D) **BALCONY.** A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

(E) **BANNER.** A strip of cloth, plastic, paper or other material on which letters or logos are a sign is painted or written, hung up or carried on a crossbar, staff, string or between two poles. ~~A banner is characterized as a free-flowing sign. Banners shall include signs, posters and banners and their common definitions.~~

(F) **BILLBOARD OR OFF-PREMISE SIGN.** A permanent outdoor advertising sign ~~which that~~ advertises goods, products, or services not necessarily sold on the premises on which said sign is located. ~~This includes umbrellas displaying verbiage other than the on-premise business name.~~

(G) **BUILDING FACE OR WALL.** All window and wall area of a building on one plane or elevation.

(H) **CANOPY.** A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

(J) **COMMUNITY OR CIVIC EVENT.** A public event ~~which that~~ is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader or commercial goods or services.

DISPLAY BOX. *A freestanding or wall sign enclosed in glass for the express purpose of displaying menus, current entertainment or other like items.*

(M) **FLAG.** A piece of cloth, plastic, paper or similar material, usually rectangular or triangular, attached by one edge to a staff, pole or rope as a distinctive symbol of a country, government, organization or other entity or cause. ~~All flags which contain the name or logo of an establishment, advertising copy or other miscellaneous messages shall be considered signs for purposes of this chapter.~~

(O) **HEIGHT OF SIGN.** The height of a sign is the vertical distance measured from ~~natural grade or approved final grade (which ever yields gives the visibility of the lower Sign) the ground plane~~ to the top of the Sign, including the air space between the ground and the sign. *Only when the topography is altered to adjust the ground height to the level of the public right-of-way, shall the sign be measured from final grade.*

(P) **LOW PROFILE SIGN.** ~~On-premise identification sign having a maximum height of eight (8) feet which is incorporated into a landscape planter.~~

MASTER SIGNAGE PLAN. A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

(R) **MONUMENT SIGN.** ~~A free-standing Sign with an enclosed base meant to serve as a major identification Sign.~~

(S) **NAME PLATE.** Signs identifying the name, occupation, and/or professions of the occupants of the premises.

(T) **NATURAL GRADE.** The elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance.

(U) **NON-CONFORMING SIGN (LEGAL).** Any advertising structure or sign which was lawfully erected and

maintained prior to such time as it came within the purview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code.

OFF-PREMISE SIGN. ~~The purpose is~~ Any Sign located off the premises, ~~which that is used to advertise, identify and/or direct attention to a professional business, service, activity, product, campaign or attraction which is carried on, sold, offered or manufactured off the premises.~~

~~(V)~~ **ON-PREMISE OR BUSINESS IDENTIFICATION SIGN.** A sign ~~which that~~ directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which the sign is located, or to which it is affixed.

PREMISE. Land and the buildings upon it.

~~(Y)~~ **PUBLIC PROPERTY.** Any property owned by a governmental entity.

~~(Z)~~ **SIGN.** Sign shall mean and include every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service, ~~and visible from outdoors.~~ The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.

SIGN, AWNING. Any sign painted on or attached to an awning.

SIGN, CABINET. A frame covered by translucent material. The entire structure is one unit and the copy is not intended to include the individual letters.

SIGN, CAMPAIGN. A temporary sign on or off-premises, announcing, promoting, or drawing attention to any candidate(s) seeking public political office in a forthcoming election; or signs announcing political issues, for or against.

SIGN, CANOPY. Any sign painted or attached to a canopy.

SIGN, CHANGEABLE COPY. ~~A sign which is characterized by changeable copy, whether said Sign is free-standing or wall Sign, or whether said Sign projects from and is supported by a building. The graphical content of a sign, which that can be changed or altered through mechanical or electrical means. A sign that is characterized by graphical content that can be changed or altered through mechanical or electrical means.~~

SIGN, CONSTRUCTION. A temporary sign placed on the site identifying a new development, the contractor, builder and/or financial institution and may include a plat map and real estate information.

SIGN, DIRECTIONAL (GUIDE SIGN). Signs which serve as directional guides to recognized areas of regional importance and patronage. To clarify and define such areas of regional importance and patronage, ~~five (5) three (3) four (4)~~ types of areas are intended to be included:

- (1) Recreational and entertainment centers of recognized regional significance.
- (2) Major sports stadiums, entertainment centers or convention centers having a seating capacity in excess of ~~3,000~~ 1,000 persons.
- (3) Historical landmarks, churches, schools, community centers, hospitals and parks.

(4) Public safety, municipal directional, parking and essential services.

(5) Temporary special events & festivals.

SIGN, DIRECTORY. An identification sign, internally located on site the premise to direct traffic, which that contains the name of a building, complex or center and name and address of two (2) or more businesses being part of the same sign structure or interior to the building which can be seen from the outdoors.

SIGN, ELECTRONIC. A window, wall or other sign which that changes copy electronically.

SIGN, FREE-STANDING (MONUMENT). A sign which that is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation in the ground and not attached to any building or wall. Free-standing Signs refer to on-premise advertising or project identification Signs for the purpose of this Code.

SIGN, HANGING. A sign attached underneath a canopy, awning or colonnade.

SIGN, HOURS OF OPERATION. A sign which that displays the hours of during which the building's tenant serves the public operation, this includesing "open" and "closed" signs.

SIGN, MASTER IDENTIFICATION. A sign which identifies only the name and/or logo and/or address of a commercial, or industrial, or condominium complex the owner and tenants thereof.

SIGN, LUMINOUS TUBE (NEON). Any sign which has characters, letters, figures, designs or outline which is illuminated by gas filled luminous tubes, such as neon, argon or florescent.

SIGN, POLE. An on-premise freestanding sign that is supported by one or more upright of not greater than twelve (12) inch diameter and are not attached or braced by any other structure.

SIGN, PORTABLE. Any sign that can be moved from place to place, which is not permanently affixed to the ground or building, and is for the purpose of display only.

SIGN, PROJECTING. A sign attached to a building or other structure and extending in whole or in part more than six (6) inches beyond any wall of the building or structure.

SIGN, PUBLIC NECESSITY. A sign which that informs the public of any danger or hazard existing on or adjacent to the premises.

SIGN, REAL ESTATE. A temporary sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.

SIGN, ROOF. A sign erected or painted upon or above the roof or parapet of a building.

SIGN, SOLICITATION. Sign used to advise solicitors that they are not welcome on the property.

SIGN, SPECIAL PURPOSE. Sign of a temporary nature other than those established by a business; for the purpose of advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.

SIGN, SPECIAL SALE. Temporary signs used to advertise a special sale on the premises.

SIGN, SUBDIVISION OR PROJECT ENTRANCE. An identification sign located at the entrance to a residential ~~subdivision or commercial development.~~

SIGN, TEMPORARY. A sign which is intended for use during a specified limited time. Temporary signs, as defined by this Code, shall include Real Estate Signs, *Yard Sign, and Campaign Sign and construction Project Identification Signs.*

SIGN, UMBRELLA. *A sign installed upon an umbrella that includes letters and symbols which that displays the name of the on-premise and/or off-premise business.*

SIGN, VEHICLE. Any sign, logo or advertisement placed, painted, attached, or displayed on a vehicle advertising a company, store or service for a non-profit or for-profit business.

SIGN, WALL. A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building ~~and extending not more than six (6) inches from the wall.~~

SIGN, WINDOW. A sign installed upon or within ~~one five feet twenty three (3) feet from the window, visible from the street and exceeds two (2) feet,~~ for the purpose of viewing from outside of the premises. This term does not include merchandise displays.

SIGN, YARD. A temporary sign that announces a garage sale, open house or similar event on a property.

~~(HH)~~ **THEATER MARQUEE.** A permanent structure with changeable copy letters, ~~which that~~ is used to advertise theater events.

~~(H)~~ **UMBRELLA.** A collapsible shade for protection against weather consisting of metal or fabric stretched over hinged ribs radiating from a central pole, ~~or any structure meeting the common definition of umbrella, that has letters and symbols which display the name of the on-premise business.~~

~~(KK)~~ **WALL MURAL.** ~~Murals which~~ A work of art, such as a painting applied directly to a wall that is purely decorative in nature and content, and do not include advertising by picture or verbal message ~~are exempt from sign regulation.~~

~~(MM)~~ **ZONE DISTRICT.** Refers to land use regulatory zones under the zoning ordinances of Park City.

CHAPTER 3 - PERMITS

12-3-1 PERMITS REQUIRED. No person shall erect, alter, or relocate any permanent or temporary sign within Park City without first ~~submitting a sign application and receiving approval of the~~ obtaining a Sign Permit ~~and a Building Permit~~ from the City, unless the sign is exempt under this code. Any person who hangs, posts, or installs a sign ~~which that~~ requires a permit under this code and who fails to obtain an ~~approved~~ permit before installing the sign, shall be guilty of a Class C misdemeanor and shall be fined accordingly.

12-3-2 PRE-APPLICATION CONFERENCE. A pre-application conference with the Community Development Department is encouraged in order for the applicant to become acquainted with application procedures, design standards, and related city ordinances. Completed Sign Permit Applications are to be submitted to the *Planning Department*. The staff may assist in the preparation of the application, and shall provide information to applicants on the regulations created by this Code. ~~(See Sign Application brochure - handout available at the Planning Department)~~

12-3-3 APPLICATIONS REQUIREMENTS. ~~A complete application~~ *Applications for Sign Permits for permanent signs* must include the following:

- (A) **Building Elevations/Site Plan.** ~~A site plan building elevation~~ drawn to scale which specifies the location of the sign structure, ~~or drawings or photographs which show the scale of the sign in context with the scale of the building if the sign is to be mounted on the building.~~ *If the proposed sign is free-standing, Staff will require the applicant to submit a site plan specifying the sign location on the parcel with its relation to adjacent streets and buildings.*
- (B) **Scaled Installation and Design Drawing.** Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment, and color samples.
- (C) **Master Sign Plan.** ~~A complete signage plan, also referred to as a~~ Master Sign Plan *shall be submitted to the Planning Department* for any commercial building ~~which that~~ houses more than one use. The Master Sign Plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering style, symbols, scale, and size of signs and/or identical background. This must be submitted, *by the owner*, prior to issuance of a permit for any one sign on the building. ~~(See Section 12-5-3 for further information).~~ *If a Master Sign Plan has been established for the building, verification of compliance with said plan shall be submitted with the sign application.*
- (D) **Lighting.** *Any exterior lighting proposed for signs shall be included in the sign application. Plans submitted shall indicate the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical detail.* ~~A Sign permit application on the form provided by the Community Development Department.~~
- (E) **Application Forms.** *Submit a completed Planning Department Sign Permit Application and Building Permit Application on a form provided by to the Community Development Department. Both applications are available at the Planning Department.*
- (F) **Fees.** *Payment of the appropriate fees to the Park City Municipal Corporation.*

12-3-4 PERMIT FEES. Sign Permit Applications shall be reviewed according to a fee schedule established by resolution. See Fee Schedule at the Planning Department.

12-3-5 REVIEW PROCEDURES. Complete Sign Permit Applications will be reviewed by the *Planning Staff and Building Official, and are subject to the review of the Community Development Department Director, within ten (10) thirty (30) days of upon* receipt of ~~the a complete application and application fee.~~ The application will be either approved, denied or returned with requested modifications. Both the Planning and Building Departments must approve the application before a permit can be issued. Either department may return the application for modifications or clarification. ~~If a permit application has not been processed within ten (10) working days, and written reasons given for the denial of the permit issued within that time, the application is deemed approved.~~

The Building Department shall inspect, as it deems necessary, Sign Applications regulated by this Code to ascertain whether the signs have been adequately installed and adequately maintained to minimize risks to the public.

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the ~~electrical inspector~~ Building Department. The ~~electrical inspector~~ Building Department shall examine the plans and specifications with respect to all wiring and connections to determine

if they comply with the electrical code of the City, and shall be approved if the plans and specifications comply with the code or denied if non-compliance with the Uniform Building Code is found.

~~12-3-7. MASTER PLANNED DEVELOPMENTS.~~ Master Planned Development (MPD) projects with buildings which house more than one use or tenant shall have their Master Sign Plan reviewed as part of the MPD review process and for no additional fee.

CHAPTER 4 - SIGN STANDARDS DESIGN STANDARDS. [Note: "Sign Types" was moved to Chapter 5.]

All Signs must comply with the following design standards:

12-4-1 TOTAL SIGN AREA SIZE REQUIREMENTS. *The sign area, per building facade, may not exceed 5% of the building face to which the sign applies, or 45 square feet per building face or 36 square feet per building face if used in conjunction with a free-standing sign, regardless of the number of businesses occupying the building, whichever is smaller. If additional sign area is necessary, the Planning Commission may grant additional sign area, but in no case may the total sign area exceed 5% of the building face to which the sign is attached applies.*
the total area of all permanent signs on one building face, including window signs, wall signs, projecting signs, and hanging signs, shall not exceed 45 square feet per building face or 36 square feet per building face if used in conjunction with a free-standing sign, regardless of the number of businesses occupying the building. If additional sign area is necessary, the Planning Commission may grant additional sign area, but in no case may the total sign area exceed 5% of the building face to which the sign is attached *applies*.

The total maximum area of all permanent signs on one building face, including *all on-premise signs* Window Signs, Wall Signs, projecting Signs, and hanging Signs shall not exceed 45 square feet per building face or 36 square feet per building face if used in conjunction with a free standing sign, regardless of the number of business occupying the building shall be calculated by the following formula:

Additionally, the maximum area of all permanent Signs shall not exceed twenty (20) square feet per building face, or ten (10) square feet if used in conjunction with a free-standing or monument Sign. (Please see Section 12-5-1(a) for Free-Standing and Monument Signs). If additional signage is necessary, In the case of a *multi-tenant, mixed-use, or retail buildings*, the Planning Commission Department may grant additional signage area *on a for a building face with more than fifty (50) feet of linear frontage*, but in no case may the total signage area exceed 5% of the building face to which the sign is attached. (See Section 12-5-1(f) for specific size requirements for awning Signs, Section 12-5-1(a) for free-standing and monument Signs, Section 12-5-1(a) for temporary Signs, Section 12-5-3(a) for project construction Signs, and Section 12-5-4(a) for portable yard Signs.) Additional signage may be permitted subject to all requirements of this code. and including the following criteria:

- (A) **Location.** The signs shall fit within and emphasize architectural elements of the building's facade.
- (B) **Compatibility.** The signs shall establish a visual continuity with adjacent building facades.
- (C) **Scale.** The signs shall be oriented toward pedestrians or vehicles in close proximity.

12-4-2 AREA OF INDIVIDUAL SIGNS. The area of a sign shall include the entire area within any type of perimeter or border *which that* may enclose the outer limits of any writing, representation, emblem, figure, or character *exclusive of the supporting framework*. The area of the sign having no perimeter or border shall be computed by

enclosing the entire area within a parallelogram, circle, or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of that parallelogram, circle, or triangle. The area of the second side of a two-sided sign shall not be included when calculating signage area unless the sides diverge more than 30 degrees. Where a sign has more than two (2) faces, the total area of the third face and all additional faces shall be included in determining the area of the sign. All existing signs, whether conforming or non-conforming signs shall be counted in establishing the permitted area of size of all new signs to be allowed on the property.

12-4-3 INDIVIDUAL LETTER HEIGHT. Signs shall be limited to a maximum letter height of one (1) foot. The Community Development Department may grant an exception to the letter height, allowing a total up to a height of eighteen (18) inches, when such extended height would be compatible with the letter's font, the buildings architecture, and the placement of the sign upon the building.

For buildings located along the Frontage Protection Zone, a letter height exception may be granted by the Community Development Director when such building is greater than one-hundred and fifty (150) feet from the right-of-way of which the building has vehicular access. The maximum letter height in these cases shall be no greater than thirty (30) inches.

12-4-4 LOCATION ON BUILDING. Signs shall be designed so that ~~it is~~ their locations are confined to the building surface below the finished floor of the second floor or twenty (20) feet above adjacent natural grade whichever is lower. For buildings with ~~sign bands approved or existing~~ significant architectural features ~~that may conflict with sign locations~~, the Community Development Director may grant exceptions to the second floor level signage restriction. Signage located above the finished floor elevation of the second floor shall be restricted to *the Building Identifications Sign, Windows Signs and a Directory Sign, properly located adjacent to an entrance.* Architectural details of a building often suggest a location, size, or shape for a sign.

Signage should compliment the architectural details of the building. Signs should help to establish a visual continuity with adjacent store fronts and relate directly to the store entrance. Signs must be oriented toward pedestrians or vehicles in close proximity; signs oriented for distance viewing will not be permitted. Signs shall be designed and located on the building or on the premises in a manner that is compatible with the mass and scale of the building to which the sign applies. Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the facade. Signs shall not obstruct views of nearby intersections and driveways.

12-4-5 SETBACK REQUIREMENTS. Permanent signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial Zone, signs may be set back ten (10) feet from the property line with the exception of those in the Frontage Protection Zone. The Community Development Department Director may decrease the setback if it is determined that the public will be better served with a sign located otherwise, due to site specific conditions such as steep terrain, integration of signage on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties. (~~See Section 12-7-2(b) for specific setback requirements for temporary Signs and Section 12-7-3(b) for setback requirements for temporary construction project Signs.~~)

12-4-6 PROJECTION AND CLEARANCE. No sign may project more than 36 (thirty-six) inches from the face of a building or pole. Projecting and Hanging Signs must maintain at least 8 (eight) feet of clearance from ground level. Clearance for signs projecting or hanging over landscaped areas may be reduced to 7 (seven) feet if the sign is set back at least three (3) feet from any hard surface or pavement. Signs may not extend over the applicant's property line except those ~~which~~ *that* are proposed to be placed over the Main Street sidewalk. Signs may extend over City property only after review by the City Engineer and with the written approval of the Community Development Director and ~~a certificate of insurance~~ an encroachment agreement acceptable to the City Attorney.

12-4-7 MASTER SIGNAGE PLANS. Buildings or clusters of buildings having more than one tenant or use, shall provide a **Master Signage Plan** for the entire structure or project *prior to any sign permit approval by the Planning Department*. The signage plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background. *All regulations as stated herein shall apply.*

Master Signage Plans for office buildings must have their primary focus on the identification of the building, and individual tenants may be identified by using small lettering on a window or door or directories. Total signage area within the plan is subject to the maximum size limitations of this Title. Signage area cannot be transferred to a single building or facade from other buildings in the project.

For multi-tenant retail and mixed-use buildings, ~~which that~~ contain any combination of uses including residential, office, service or retail uses, sign plans shall be designed so that ~~wall signage is are~~ confined to the building surface below the finished floor elevation of the second floor or twenty (20) feet above adjacent natural grade whichever is lower. Signs ~~below the finished floor elevation of the second floor~~ may be located on flat wall areas, within windows or on sign bands above windows. For buildings with pre-existing sign bands or architectural features, the Community Development Director may grant exceptions to the second floor level signage restriction ~~(See Section 12-6-1)~~.

Master Sign Plans shall include the location and fixture type of all exterior lighting of the proposed signs. The lighting plan shall specify wattage and bulb type to ensure compatibility with the lighting standards as stated in this *Title and other applicable City Codes Chapter*. Lighting fixtures shall be similar in style and should direct all light onto the sign surface. Spot lights and flood lights shall be prohibited.

12-4-48 SIGN MATERIALS. Exposed surfaces of signs may be constructed of metal, glass, stone, concrete, brick, solid wood, or cloth. Other materials may be used in the following applications:

- (A) **Face.** The face or background of a sign may be constructed of exterior grade manufactured composite board if the face of the sign is painted and the edges of the sign are framed and sealed with silicone. Plywood is prohibited except on temporary signs where painted plywood may be used.
- (B) **Letters.** Synthetic or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Ivory colored plastic may be used for internally illuminated letters ~~(See Section 12-5-6(b))~~. Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

12-4-59 COLOR. Signs must be finished in subdued earthtone colors. Earthtones may be defined in this context to include the full spectrum of soil, clay *and metallic* colors. Spectrums of off-whites to deep browns, and light grays to black provide a wide range of acceptable colors. Brighter colors may be used provided they are imbued with brown or black tones. For example: pink imbued with brown would tend toward mauve and would be acceptable. Bright reds imbued with brown or black tones give a deeper burgundy or maroon color and may also be acceptable. Colors should compliment the color scheme of the building. A matte or flat finish is required for all painted surfaces. In no case will "day-glo", fluorescent, reflective colored materials that give the appearance of changing color or brilliant luminescent colors be permitted.

12-4-10 ILLUMINATION.

The purpose of regulating sign illumination is to prevent light trespass and provide clear illumination of signs without causing potential hazards to pedestrians and vehicles.

(A) **Externally Illuminated Signs.**

(1) *Fixtures.* Lighting fixtures shall be simple in form and should not clutter the building. The fixtures should be partially or fully shielded as to contain the light rays to the sign.

(2) *Light Source.* Only certain light sources are allowed when lighting signs. The following table describes the type of light sources permitted and the maximum wattage they are permitted. Colored lights are prohibited. See section 12-4-10C for seasonal lighting.

Type of Source (Bulb Type)	Maximum Wattage Allowed
High Pressure Sodium	75
Fluorescent	75

(B) **Internally Illuminated Signs.**

(1) *Letters.*

(a) Individual pan-channel letters with a plastic face or individual cut-out letters (i.e. letters routed out of the face of an opaque cabinet sign) are permitted. The cut-out letters shall consist of a single line with a maximum stroke width of 1 1/2 inches. Variations in stroke width may be reviewed and approved by the Community Development Department. The plastic face or backing of the letters must be ivory colored.

(b) Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. Internally illuminated pan-channel letters are not permitted on Free-standing Signs. Internally illuminated signs are not considered appropriate in the Historic District and are prohibited.

(2) *Light Source.* The light source for internally illuminated signs must be white.

(3) *Wattage.* Wattage for internally illuminated signs shall be specified on the sign application. In the case of multi-tenant buildings, the Planning Department will regulate the voltage and type of light to keep the signs consistent.

(C) **Seasonal.** Seasonal restrictions apply to all zones except HR-1, HR-2, HRL, SF, RM, R-1, RDM, and RD. Strings of lights that outline buildings, building architectural features and surrounding trees, shall be allowed from the 1st of November through the 1st of March only. These lights shall not flash, blink or simulate motion.

(D) **Prohibited Lighting** Lights which flash or move in any manner are prohibited.

(See Section 12-12-2 for further information regarding the inspection of electrical Signs.)

12-4-711 SIGN CONTENT. Signs shall be limited in content to material that is intended to be permanent (with the exception of theater or gallery marquees). It is the City's intent to facilitate traffic flow and avoid traffic hazards caused by confusing or cluttered signage. Because individuals tourists, who may be looking for a specific business often depend on sign text that assimilates business names as listed in telephone directories or other promotional advertisements, the name of the business, nature of the goods or services offered, and street address may be contained in the sign except that a Free-standing Sign may only identify the name of the building, project or one primary businesses. Statements of prices for specific items, listing of items beyond a general category of merchandise, telephone numbers, or similar information directed at the merchandise sold or service provided, rather than the identification of the business are

prohibited. The use of logotypes or other symbols is appropriate in addition to the name of the business, *as long as the materials and colors used are in compliance with the regulations set forth in this Title*. Applications for signs *which that* contain misleading content or false information shall be denied.

In each instance, and under the same conditions to which this code permits any sign, a sign containing and ideological, political, or other ~~non-commercial~~ similar message and constructed to the same physical dimensions and character shall be permitted.

CHAPTER 5 - UNSAFE AND UNLAWFUL SIGNS

12-510-1 ABATEMENT OR REMOVAL OF UNSAFE, DANGEROUS NON-MAINTAINED OR ABANDONED SIGNS. If, upon inspection, the Building Official determines a sign or awning permitted by the Park City Sign Code to be unsafe, unmaintained, or abandoned, the Building Official may issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within five (5) working days after receipt of notice from the City. In cases of emergency, the Building Official may cause the immediate removal of a dangerous or defective sign. Signs removed in this manner must present a imminent hazard to the public safety.

12-510-2 ABATEMENT AND REMOVAL OF ILLEGAL SIGNS VIOLATIONS OF SIGN CODE. Any person who hangs, posts, or installs a sign *which that* requires a permit under this Code, and who fails to obtain a permit before installing the Sign, shall be guilty of a Class C misdemeanor and be fined accordingly.

CHAPTER 6 - NONCONFORMING SIGNS

12-106-1 REMOVAL OF CONFORMANCE CRITERIA FOR NON-CONFORMING SIGNS. All signs, except billboards, (see below), *shall conform or be removed as follows upon the happening of any of the events described below or where any of the following conditions apply, the sign or signs shall be brought into compliance within which are not in conformance with this Title shall be removed by the owner or user of the sign within two (2) years from the date of this section, and a new permit shall be secured therefore, or shall be removed, on which the Department gives notice to the owner that the sign is non-conforming, unless another date is agreed to pursuant to subsection (B) below. In any event, the non-conforming sign shall not be transferred to a new tenant or occupant of the premises on which the sign is erected, but shall be removed at the termination of the tenancy to which it applies.*

- A) When a non-conforming sign is destroyed or damaged to an extent in excess of fifty (50) percent of the sign value.
- B) The sign is relocated in any manner.
- C) If the sign is altered structurally, or if more that fifty (50) percent of the copy as measured by the sign area is altered, except for changeable copy signs and maintenance.
- D) If the business or service for which the non-conforming sign(s) was installed is expanded or modified. All improvements to a single business or use within any twelve (12),month period shall be treated cumulatively in the administration of this subsection.

12-106-2 ALTERATION OF NON-CONFORMING SIGNS. Non-conforming signs may be maintained and repaired in accordance with Section 12-12-1 of this Title, provided that the alterations and repairs are for the purpose of maintaining the sign in its original condition. Alterations to a non-conforming Sign *which that* change the size, use,

content, color, lighting, or appearance of a non-conforming sign are subject to design review and approval by the Community Development Department. To be considered, substantial modifications must be proposed ~~which that~~ bring the sign closer to full compliance with the standards of this Code, but In no case shall a non-conforming sign be conveyed to a new tenant, and the amortization period of the sign shall not be extended. ~~Alterations of a substantial nature which bring the sign closer to full compliance with size, location, or height standards may be made, and if those modifications are substantial, the Director may start a new five (5) year amortization period from the date of the substantial modification. To be considered substantial, the modification must have brought the sign into conformance with the lighting, color, and materials standards in addition to making a major modification to height, size, or location.~~

12-106-3 REPAIR OF DAMAGED NON-CONFORMING SIGNS. No sign ~~which that~~ is not in conformance with this Code shall be repaired or restored after having been damaged to the extent of more than fifty percent (50%) of its value immediately prior to the event causing the damage or destruction. The owner of the sign or owner of the property shall have the obligation to properly remove the sign.

12-106-4 NON-CONFORMING BILLBOARDS. A non-conforming billboard may be terminated by acquiring the billboard and associated property rights through:

- (i) gift;
- (ii) purchase;
- (iii) agreement;
- (iv) exchange; or
- (V) eminent domain.

A legislative body may also remove a billboard without providing compensation if, after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the legislative body finds that:

- (A) the applicant for a permit intentionally made a false or misleading statement in his application;
- (B) the billboard is unsafe
- (C) the billboard is an unreasonable state of repair; or
- (D) the billboard has been abandoned for at least 12 months.

~~(B)~~**12-6-5 AMORTIZATION period.** Upon receipt of notice, the owner of any non-conforming sign may enter into an agreement with the City to bring the sign into compliance, or to remove the sign, after a reasonable period of amortization which shall not, in any event, exceed five (5) years. In the absence of such an agreement, the owner of the sign is deemed to have consented to the two year amortization period. Signs which have been in place for more than three (3) years prior to the adoption of this Code, and were non-conforming under the previous ordinance, shall not be eligible for an amortization period of more than two (2) years. Signs which have been in place for less than three (3) years prior to the effective date of this Code will be given a two (2) year amortization period, unless the owner can establish a necessity for a longer period, such as a lease agreement on the sign itself, recent improvements of substantial cost, or similar investment or commitment that makes an amortization period of longer than two (2) years necessary to avoid an economic loss. In no event will the amortization period exceed five (5) years from the date of notice that a sign is non-conforming.

12-106-5 REMOVAL OF SIGNS BY THE BUILDING OFFICIAL AND COST ACCESSED AGAINST OWNERS. The Building Official may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair under the procedures and authority of Ordinance No.

85-9 the Municipal Code of Park City Section 6-1-5, as amended.

~~(A)~~ **12-6-6 NOTICE.** Notice of the non-conforming status of signs shall be given by the Department in writing. The notification shall state the location of the sign, and the modifications needed to bring it into conformance, or that the sign must be removed entirely if it cannot be made to conform. Notices may be sent by regular United States mail and notice is deemed complete upon mailing. ~~Notices may be sent by certified or registered mail, but that is not required.~~

CHAPTER 7 - PROHIBITED SIGNS

12-7-1 OFF-PREMISE SIGNS. A permanent outdoor sign which advertises goods, products, or services not sold on the premises on which the sign is located, is prohibited.

12-97-12 PROHIBITED SIGNS. No person shall erect, alter, maintain, or relocate any sign as specified in this Chapter in any zone:

- (A) **A-frame Signs.** Any portable sign or structure composed of two (2) Sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.
- (B) **Animated Signs.** A rotating or revolving sign, or signs where all or a portion of the signs moves in some manner.
- (C) **Bench Signs.** Any outdoor bench or furniture with ~~commercial~~ any signage.
- (D) **Electronic Message Signs.** A permanent free-standing roof, wall, or other Sign which changes copy electronically using switches and electric lamps. Automatic changing signs, such as ~~public service~~ announcements, time, temperature and date signage are prohibited. ~~Municipal governmental public safety, and municipal directional and informational signs are exempt.~~
- (E) **Flashing Signs or Lights.** Any sign ~~which that~~ contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited.
- (F) **Home Occupation Signs.** Business Identification Sign for a home occupation.

~~Illuminated awnings.~~ Illuminated (back-lit), Translucent, awnings are not considered appropriate in Park City and are prohibited.
- (H) **Inflatable Signs or Displays.** Any inflatable object used for signage or promotional purposes.
- ~~(I) **Subdivision Sign Residential Free-standing and Monument Signs.** Any sign which that serves to identify the name of a subdivision or single family residential project. Please refer to Section 12-7-4 for regulations on Subdivision Development Temporary Signage.~~
- (J) **Mobile or Portable Signs.** A sign not permanently attached to the ground or building, except for Public Necessity Signs and temporary signs as allowed by this Code

- (K) **Roof Signs.** Any Signs erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof. Signs mounted anywhere on a mansard roof are not allowed.
- (L) **Wind Signs.** Any propeller, whirling, or similar device ~~which that~~ is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include "gasoline flags", or banners.
- (M) **Vehicle Signs.** Roof or antenna mounted signs on automobiles, except for student driver signs. Vehicle Signs *painted, vinyl or magnetically attached to the sides of vehicles or the vehicle's windows are allowed, as long as the vehicle is in use or parked in a bonafide parking space. Vehicle Signs may not be illuminated.*
- (N) **Video Signs.** Animated visual messages ~~which that~~ are projected on a screen.

CHAPTER 8 - ~~CRITERIA FOR NON-REGULATED SIGNS~~

12-8-1 SIGNS EXEMPT FROM PERMIT REQUIREMENT. The following signs are not subject to a permit requirement. ~~if the following standards are met.~~ They shall be regulated by the following size and placement standards and shall not be included when calculating permitted sign area for any parcel, use or development. Building permits may be required for the installation of these signs even though they are exempt from design review and regulation.

- (A) **Addressing Numbers.** Addressing numbers may be no higher than twelve (12) inches. When placed on commercial buildings, they may be taken into account in the review of the signage plan, and counted as signage area if part of the overall signage area for the building.

~~**Flags, symbols, or insignias.** The flag of the United States, the state of Utah flag, other flags or insignias of governmental entities or agencies and decorative flags may be displayed, and not counted as signage. However, these types of flags are subject to the same standards as found in Section 12-5-1(S).~~

- (B) **Hours of Operation Sign.** One "hours of operation" sign is allowed per entryway. Each sign may not exceed one square foot in area. The sign may not be illuminated.
- (C) **Interior Signs.** Non-illuminated signs ~~which that~~ are on the interior of buildings set back at least *three (3) feet* ~~five (5) feet~~ set back at least two (2) feet from any window are not regulated at all. Illuminated interior signs setback at least ten feet are not regulated for design but a building permit is required *for electrical and installation details.*
- (D) **Nameplates (residential).** One nameplate sign for each single family residence, ~~which that~~ shall not exceed one square foot in area. If lighted, a building permit is required.
- (E) **Private Plazas.** *Private pedestrian walkways* may have signs on privately owned walls or plazas that are so located as to be oriented to the plaza and not to public streets are not regulated, however building permits shall be required for mounting and wiring. *Private Plazas as part of a Master Planned Development must have an approved Master Sign Plan.*
- (F) **Private Recreational Facilities.** Signs located inside open air recreational facilities ~~which that~~ are not oriented to public streets, e. g. Directional Signs in ski resorts and golf courses are not regulated.
- (G) **Public Necessity Signs.** Public Necessity Signs such as bus stop, no parking and street name signs installed

by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director and Community Development Director is required in order to insure safe placement and prevent unsightly or distracting sign placement.

- (H) **Solicitation Signs.** One "no solicitors" sign, not to exceed one square foot, is allowed per major entrance to any building or apartment complex.
- (I) **Special Events Fliers.** Fliers or posters advertising special events may be displayed on the inside of windows of businesses, ~~provided all window signage does not exceed 30% of window area~~ and the owner of the business approves of the placement. Such posters may be displayed for up to one week prior to an event, and must be removed within 48 hours after the event. Posters or fliers may not be tacked up to the exterior of any building or to telephone/utility poles or distributed by placement on parked automobiles or on door steps, etc.
- (J) **Special Sale Signs.** Merchants may advertise special sales with temporary paper signs on the inside of windows provided that all window signage ~~does not cover more than fifty percent (50%)~~ ~~thirty percent (30%)~~ of the window area. Special sale signs may be displayed two (2) weeks at a time, five (5) times a year. ~~Please see Section 12-7-2 for Temporary Signs.~~
- (K) **Trespassing Signs.** "No trespassing" signs may be posted on doors, windows or other property entrances, or on fence or property lines. They may not exceed one square foot in area, and may not be illuminated.
- (L) **Vacancy Signs.** Vacancy Signs are allowed only for those buildings ~~which that~~ are permitted and licensed for nightly rentals within the *HR-1*, HCB, HRC, GC and RC zones. Vacancy Signs may be a maximum of two (2) square feet. If illuminated, approval from the Community Development Department and a building permit is required. *Neon Luminous tube signs* are prohibited.

CHAPTER 9 - PERMITTED SIGN REGULATIONS

12-9-1 ON-PREMISE SIGNS. *On-Premise signs as used in this Title shall mean the primary purpose is to advertise, identify and/or direct attention to a profession, business service, activity, product, campaign, or attraction which that is carried out, sold, offered or manufactured in or upon the premise.*

12-59-12 TYPES OF SIGNS ALLOWED. *In addition to the following regulations, all signs must be in compliance with all other provisions of this Title. types of signs are allowed subject to Planning staff review based upon the regulations set forth in this code:*

(A) Awning and Canopy Signs

(1) **Size.** ~~Only A maximum of 20% of any one face of an awning may be used for signage area~~ regardless of the size of the building facade to which the sign applies ~~not to exceed that which would be allowed otherwise.~~

(2) **Height Limit.** Awnings must have a minimum clearance of eight (8) feet to the frame and seven (7) feet to the bottom of the valance.

(3) **Number of Signs.** Not applicable

(4) **Setback and Orientation.** Awnings must be located in a traditional manner above doors, windows, or walkways, provided said walkways lead to a bona fide entrance, if they are compatible with the architecture of the building, and follow relevant design guideline criteria. All other locations are prohibited. Free-standing Awning Signs are prohibited.

They Awnings may project a maximum of 36 inches from the face of the building except when used as entrance canopies, in which case awnings may extend to the setback lines. Awnings are *permitted calculated as part of the total* as signage area for the building. *The design must provided they* blend with the architecture of the building and *do should* not obscure details of the building. Awnings should serve as an accent to the building's design but should not be the dominant architectural feature. Awnings are counted as signage area if they have lettering or other graphics conveying a commercial message or name of a business or product sold in the building to which the awning is attached.

(5) **Zoning Restrictions.** Awning Signs are permitted in all commercial zoning districts.

(6) **Content.** Sign content shall be limited to the tenant name or the nature of the goods or services provided.

(7) **Design.** *Awnings in the Historic District are encouraged to resemble the typical awning found during the mining area.* Only fire resistant canvas will be permitted. Material should be high quality, colorfast and sunfade resistant. Vinyl or plastic materials are not ~~considered permitted~~ in Park City. Awning colors are generally limited to a single field color with a single contrasting color for lettering and logos. However, if the awning is striped in a traditional manner, either with vertical stripes along the entire awning or horizontal stripes along the valance, two field colors may be used. Corporate colors may be used only if they are finished in subdued earthtone colors. ~~For a more complete description of the permitted colors please see Section 12-4-5 of this Code.~~

(8) **Illumination.** Illuminated (back-lit) translucent awnings or translucent letters on opaque backgrounds are prohibited. Canvas awnings illuminated in the traditional manner with incandescent lighting are permitted.

(B) **Changeable Copy Signs.** Manual Changeable Copy signs are permitted, provided they comply with the following regulations. Electronic Changeable Copy Signs are prohibited.

(1) **Size.** All other size requirements set forth in this Code must be adhered to.

(2) **Height Limit.** Sign plans shall be designed so that the signage area is confined to the building surface below the finished floor elevation of the second floor or twenty (20) feet above adjacent natural grade, whichever is lower.

(3) **Number of Signs.** The maximum number of Changeable Copy signs for a commercial or non-profit business is one (1).

(4) **Setback and Orientation.** Changeable Copy Signs shall be placed so as to utilize existing architectural features of a building without obscuring them. The sign shall be orientated toward pedestrians or vehicles within close proximity.

(5) **Zoning Restrictions.** Changeable Copy Signs are allowed in all commercial zoning districts.

(6) Content. Changeable copy signs may only be used in conjunction with gas station pricing, theaters, entertainment and educational facilities and non-profit art galleries, or similar exhibit facilities.

(7) Design. The sign materials should be compatible with the face of the building and should be colorfast and resistant to erosion. *The individual letters shall be uniform in size and color. Letters shall be enclosed within a case with a transparent face. The individual letter shall not exceed eight (8) inches in height.*

(8) Illumination. *Illumination of Changeable Copy Signs shall be enclosed in the case, down directed toward the letters.*

(C) ~~Directional or Guide Signs~~

~~(1) Size. Directional or Guide Signs which that give direction to recognized areas of regional importance and patronage may be a maximum of sixteen (16) square feet.~~

~~(2) Height Limit. Directional or Guide Signs shall be no more than eight (8) feet in height when measured from natural grade.~~

~~(3) Number of Signs. The number of Directional or Guide Signs shall be determined appropriate by the Community Development Director and/or the Public Works Director.~~

~~(4) Setback and Orientation. Setback and orientation shall be determined appropriate by the Community Development Director.~~

~~(5) Zoning Restrictions. Directional or Guide Signs are permitted in all Zoning Districts.~~

~~(6) Content. Directional or Guide Signs serve to identify recreational and entertainment centers of recognized regional significance; major sports stadiums, entertainment centers or convention centers having a seating capacity in excess of 3,000 persons; historical landmarks; public safety, municipal directional, parking and essential services.~~

~~(7) Design. Design shall be compatible with other Directional and Guide Sign in order to establish a consistent standard which citizens and visitors can recognize.~~

~~(8) Illumination. Illumination of Directional or Guide Signs is prohibited.~~

(C) Directory Sign. Directory Signs shall be permitted to provide information for commercial multi-tenant projects; *either commercial or residential.*

(1) Size. Wall mounted Directory Signs shall *not exceed twenty (20) feet* ~~adhere to all other size requirements as set forth in this Code~~. Free-standing Directory Signs may have a maximum of ~~thirty-six~~ *fifteen (15)* square feet of sign area to serve as a directory for the project. Each phase of an expandable condominium or other phased project shall be considered a part of the initial phase for signage purposes if the project is joined by a common conditional use permit, zoning approval or management structure such as a condominium homeowners' association.

(2) Height Limit. The height of the Directory Sign shall not exceed six (6) feet, *and shall be directed towards pedestrians.*

(3) Number of Signs. The combined area of all Directory Signs on a project may not exceed twenty (20) square feet in area.

(4) Setback and Orientation. Signs shall be located in the common area of the project and oriented toward a central pedestrian path, *entrance* or common parking area. *Free-standing* Directory Signs must maintain the setback requirements for the zone in which they are located.

(5) Zoning Restrictions. Directory Signs are allowed in all zoning districts, provided they are identifying multi-tenant projects, either commercial or residential.

(6) Content. The contents of *such commercial* Directory Signs shall be limited to the name of the multi-tenant structure, its street address, and the names and unit numbers of the tenants of the project. *Directory Signs in a residential complex shall identify the building and unit numbers.* Directory Signs may not be oriented for off-site viewing. No telephone numbers, rental information, or sales information shall be permitted on the Directory Sign.

(7) Design. Directory Signs shall be simple in form and shall be compatible with the architectural elements and materials of the multi-tenant project.

(8) Illumination. *Lighting of the Directory Sign is permitted. Lighting shall be down directed towards the text.*

(D) Display Boxes *Display boxes will be included in the total sign area for a building facade. Display boxes may contain an establishment's current menu, current entertainment information and merchandise.*

(1) Size. *The maximum size shall be six (6) square feet and shall be included in the calculation of the total building sign area.*

(2) Height Limit. *The height of a display box shall be oriented towards pedestrian viewers.*

(3) Number of Signs. *Not Applicable*

(4) Setback and Orientation. *Displays boxes shall be oriented towards pedestrian viewers. Wall mounted display boxes shall not extend from the building over public property.*

(5) Zoning Restrictions. *Display Boxes are allowed in all commercial zoning districts.*

(6) Content. *This Display Box may be used for changeable copy signs provided the sign remains inside the mounted display box. The display box shall also contain merchandise which is typical and representative of products for sale in the business premises and shall not be used to display wares of another business located elsewhere or merchandise not available in the store to which the display case applies.*

(7) Design. *The size and scale shall be appropriate to the surroundings and shall be designed and fabricated so as to be compatible with the surrounding architecture. Free-standing display boxes shall be designed and constructed to withstand wind and may be located only on private property. Display boxes must be constructed to coordinate with the building design, must contain a clear face which would protect the menu/event display from the weather and must not extend over public property.*

(8) Illumination. *Lighting of the display box is permitted within the display case. Lighting shall be down*

directed towards the items displayed.

- (E) **Entrance/Exit Signs** *Entrance and exit signs are not included into the total sign area allowed for a structure. Entrance and exit signs are for the facilitation of traffic onto and off the site.*

- (1) **Size.** Entrance/Exit Signs shall be limited to a maximum of three (3) square feet per side.
- (2) **Height Limit.** Entrance/Exit Signs shall be no higher than five (5) feet above the ground at the top of the sign.
- (3) **Number of Signs.** Two Entrance/Exit Signs are allowed at each approved driveway opening for commercial uses and multi-tenant dwellings.
- (4) **Setback and Orientation.** Entrance/Exit Signs shall not be placed in the City right-of-way.
- (5) **Zoning Restrictions.** Entrance/Exit Signs are permitted in all commercial and multi-family residential zoning districts.
- (6) **Content.** The Content shall be limited to "Entrance" or "Exit".
- (7) **Design.** Entrance/Exit Signs shall be simple in form and shall be compatible with the architectural elements of the commercial or multi-family project.
- (8) **Illumination.** *Illumination of Entrance/Exit Sign is permitted, provided that the lighting complies with Section 12-4-10.*

- (F) **Flags.** *Regulations stated in this Chapter regarding flags shall include all uses in the City except for single family residences.*

- (1) **Size.** The maximum size of any one flag shall be 24 square feet.
- (2) **Height Limit.** Flag poles may not exceed the maximum height of the nearest building or 25 feet measured from natural or final grade, whichever yields the smaller pole.
- (3) **Number of Flags.** No more than three Flags per property may be shown at any time if these Flags are visible from a public right-of-way. Properties with right-of-way frontage greater than 100 yards may be allowed an additional three flags per additional 100 yards of street frontage.
- (4) **Setback and Orientation.** Flags shall not be placed in the setback area as designed for the zone in which ~~it~~ *is the flags are located.*
- (5) **Zoning Restrictions.** Flags are allowed in all zoning districts. ~~Decorative flags are not considered as signage and require a permit in all zoning districts, except those districts residential in nature.~~
- (6) **Content.** All flags which contain the name or logo of an establishment or advertising copy shall be considered signs for purposes of this chapter. The Flag of the United States, the state of Utah, other flags or

insignias of governmental entities, or decorative flags are not considered signs for purposes of maximum allowable square footage calculation, but are subject to the restrictions of this section.

(7) Design. The staff or pole shall be black, brown, dark green or bronze. *The flag poles shall utilize noise reduction methods. may contain internal halyards.*

(8) Illumination. Flags may be illuminated ~~so that provided that the lighting complies with Section 12-4-10.~~ Lighting proposed for the flags shall be included in the sign application.

(G) Free-standing Sign ~~Municipal, public safety and municipal Directional Signs are exempt from these requirements.~~

(1) Size. Free-Standing Signs shall be limited to a maximum of ~~thirty-six (36)~~ twenty (20) square feet in area, unless there are other approved signs on the building, in which case this maximum shall be reduced to ten (10) square feet. ~~Unless the building to which the sign applies has no other signage, in which case a forty-five (45) square foot sign is allowed. However, in no case may the area of a free-standing sign exceed a total of one (1) square foot in three (3) feet of frontage occupied by the business or enterprise or 5% (five percent) of the building facade area to which the sign applies.~~

(2) Height limit. Free-standing may not exceed a height of ~~ten (10) six (6)~~ seven (7) feet. ~~Exception: Free-standing Monument signs with solid or included bases may not exceed a height limit of five (5) feet.~~

(3) Number of Signs. Businesses, projects or parcels are limited to one (1) Free-Standing Sign. ~~Except that properties with more than 1000 (one thousand) feet of continuous frontage and: If the property with has more than one entrance and frontage on more than one street one additional sign may be permitted for directional proposes only. The directional sign shall not exceed three (3) feet in area. The combined square footage of all Free-Standing Signs shall not exceed the maximum square footage allowed. Provided that the combined square footage of all free-standing signs does not exceed 72 (seventy-two) square feet (two 36 square foot signs). Where there is frontage on more than one street, each frontage is treated independently. Signage area may not be transferred from one frontage to another.~~

(4) Setback and Orientation. Free-Standing Signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial Zone, signs ~~may~~ must be set back ten (10) feet from the property line.

Free-Standing Signs may be aligned either perpendicular or parallel to the road provided that signs perpendicular to the road are finished on both sides, and that signs parallel to the road maintain a setback of at least twenty-five (25) feet from the curb or edge of pavement. ~~With the exception of those in the Frontage Protection Zone, the Community Development Director may decrease this setback if it is determined that a particular road alignment or traffic conditions would facilitate adequate visibility of the sign for street or pedestrian traffic.~~

(5) Zoning restrictions. Free-Standing Signs may be allowed in the commercial zones GC, and RC. Free-Standing Signs located in the Frontage Protection Zone or the HBC Zone require a Conditional Use Permit. ~~In the HCB Zone only with Conditional Use approval from the Planning Commission (Section 12-3-6). Free-standing signs are permitted in all other zones except that in the Hr-1, HRL, HRC and RD zones, they are permitted only as part of subdivision of 50 (fifty) lots or more or master planned developments, subject to the provisions of Section 12-4-1(k).~~

(6) Content. ~~Because it is the City's intent to facilitate traffic flow and avoid traffic hazards caused by confusing~~

or cluttered signage, and because tourists, who may be looking for a specific business often depend on Sign text that assimilates business names as listed in telephone directories or other promotional advertisements, Free-standing Signs are permitted for the purpose of identifying the name of the a building, project or one primary business only.

(7) **Design.** Free-Standing Signs with a solid or enclosed base are permitted. Signs supported by at least two (2) poles without enclosed bases are also permitted provided that the exposed pole's height does not constitute more than 50% of the Sign's overall height (i.e., the height of the open area beneath a sign cannot exceed 50% of the Sign's total height).

(8) **Illumination.** Please refer to Section 12-4-6 of this Title. Lighting of Free-Standing Signs is permitted, provided that the lighting complies with Section 12-4-10. However, internally illuminated pan-channel letters are not permitted on Free-standing Signs. Any exterior lighting proposed for the signs shall be included in the sign application.

(H) **Hanging and Projecting Signs.**

(1) **Size.** No single Hanging or Projecting Sign may exceed twelve (12) square feet in area. A Hanging Sign may be placed on a building or underneath an approved canopy, awning, or colonnade, as long as it does not project more than thirty-six (36) inches from the face of the building to which it is attached. Sign brackets incorporating design elements that are descriptive or informative of the business use shall be included as part of the sign area.

(2) **Height Limit.** Hanging and Projecting Signs must have at least eight (8) feet of ground clearance unless reduced according to the projection and clearance provisions of Section 12-6-3, and cannot be higher than the building to which they are attached.

(3) **Number of Signs.** There is no number of maximum hanging signs per building face. The total square footage of signage area shall not exceed the maximum square footage allowed per building face.

(4) **Setback and Orientation.** Hanging and Projecting Signs may not project more than thirty-six (36) inches from the face of the building to which it is attached. They may not extend beyond the applicant's property, except those which are proposed to be placed over the Main Street sidewalks. Signs may extend over City property only after review by the City Engineer and with the written approval of the Community Development Director and an encroachment agreement acceptable to the City Attorney. Hanging and Projecting Signs must have a minimum of six (6) feet of separation between each sign similar in nature.

(5) **Zoning Restrictions.** Hanging and Projecting Signs are permitted within all commercial zoning districts.

(6) **Content.** Sign content shall be limited to the tenant name or the nature of the goods or services provided.

(7) **Design.** Exposed surfaces of signs may be constructed of metal and/or solid wood. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

(8) **Illumination.** Lighting of Hanging/Projecting Signs is permitted, provided that the lighting complies with Section 12-4-10. Any exterior lighting proposed for the signs shall be included in the sign application.

- (I) **Luminous Tube Signs (Neon).** *Neon Luminous Tubes (LT)* used to draw attention to a business or building in any manner, including (but not limited to) neon text, or logos are considered signage and shall be regulated according to the provisions of this code as follows.

(1) **Size.** All other size requirements set forth in this Code must be adhered to.

(2) **Height Limit.** *Neon LT* Signs shall be limited to the ground floor elevation.

(3) **Number of Signs.** Not Applicable

(4) **Setback and Orientation.** *Neon LT* Signage must be located within a building and displayed through a window rather than being attached to the exterior of the building. If ~~the a~~ *neon LT* Signage are located within ~~ten (10) twenty (20)~~ feet of the front window, visible from the street and exceeds two (2) square feet, it is considered as signage area and must have a permit and will be included in the total sign area for the building. *Neon LT* Signs located ten (10) feet back from the window ~~is are~~ considered interior lighting and ~~is are~~ not regulated. ~~The Neon Sign must be designed to be compatible with the space in which it is located, and have a sense of balance and proportion.~~

(5) **Zoning Restrictions.** *Neon LT* Signs may be used only in the HCB, HRC, and GC zones. *Neon LT* Signs are prohibited in all other zones.

(6) **Content.** *LT-Neon* signage may include letters graphics and symbols displaying the name of the on-premise business.

The following are prohibited in *neon LT* Signs: open/closed Signs; vacancy/no vacancy signs, product brand names, message/sales promotion. *Neon LT* Signs may not flash, move, alternate, or show animation. The outlining of a building's architectural features is prohibited. In certain cases, open/closed Directional Signs for drive-through, may be permitted to facilitate traffic circulation and control traffic congestion.

(7) **Design.** The following historic colors are permitted in the Historic District in primary shades only: red, yellow, white, blue, green. All others are prohibited. Other colors are permitted in the ~~RC~~ and GC zones, but are subject to the design standards of ~~this title~~ Chapter 4.

(8) **Illumination.** *Neon LT* Signs within themselves are illuminated. No other additional illumination is permitted.

- (J) **Menu/Event Sign.**

(1) **Size.** The maximum size shall be *two* square feet and shall be included in the calculation of the total building signage area ~~unless enclosed within a display box which is included in the calculation of the building sign area.~~

(2) **Height Limit.** Height of a Menu/Event Display Sign shall be oriented towards pedestrian viewers, ~~with a maximum height of six feet (6').~~

(3) **Number of Signs.** One Menu/Event Display Sign is permitted per building ~~tenant elevation.~~

(4) Setback and Orientation. Displays for menus ~~and events~~ may be located on the inside of a window for a restaurant or inside a wall mounted or free-standing display box.

(5) Zoning Restrictions. ~~Menu/Event Display~~ Signs are allowed in all commercial zoning districts.

(6) Content. This display may be used for changeable copy signage provided the signage remains inside the mounted menu box or inside the window frame.

(7) Design. *All wall mounted or free standing menu boxes shall be reviewed within the context of the Historic District Design Guidelines.* Free-standing display boxes shall be designed and constructed to withstand wind and may be located only on private property. *If a Display boxes is used, it must be constructed to coordinate with the building design, must contain a clear face which would protect the menu/event display from the weather and must not extend over public property.*

(8) Illumination. Lighting of the menu or event display is permitted within the display. *Lighting shall be down directed towards the text. Any lighting proposed for the display boxes shall be included in the sign application. Light fixtures must be simple in form and mounted so they do not obscure building ornamentation. The light fixtures should emphasize the contiguity of the building surface and should not clutter the building in an unorganized manner. Spot lights and flood lights shall be directed only at the sign surface. No exposed light sources are allowed, and all light sources must be shaded to contain light rays to the sign. Colored lighting is prohibited.*

(K) Projecting Signs. *See Hanging Signs* Projecting Signs are permitted provided that the signs meet the following provisions:

(1) Size. No single Projecting Sign may exceed 18 (eighteen) ~~8 (eight)~~ square feet in area.

(2) Height Limit. Projecting Signs must have at least eight (8) feet of ground clearance unless reduced according to the projection and clearance provisions of Section 12-6-3, and cannot be higher than the building to which they are attached.

(3) Number of Signs. ~~There is no number of maximum projecting signs per building face. The total square footage of signage area shall not exceed the maximum square footage allowed per building face.~~

(4) Setback and Orientation. Projecting Signs may not project more than thirty-six (36) inches from the face of the building to which it is attached. ~~They may not extend beyond the applicant's property, except those which are proposed to be placed over the Main Street sidewalks. Signs may extend over City property only after review by the City Engineer with the written approval of the Community Development Director and an certificate of insurance encroachment agreement acceptable to the City Attorney.~~

(5) Zoning Restrictions. Projecting Signs are permitted in the commercial zoning districts.

(6) Content. Sign content shall be limited to the tenant name or the nature of the goods or services provided.

(7) Design. Exposed surfaces of signs may be constructed of metal and/or solid wood. ~~The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.~~

~~(8) Illumination. Any exterior lighting proposed for the signs shall be included in the sign application. Light fixtures must be simple in form and mounted so they do not obscure building ornamentation. The light fixtures should emphasize the contiguity of the building surface and should not clutter the building in an unorganized manner. Spot lights and flood lights shall be directed only at the sign surface. No exposed light sources are allowed, and all light sources must be shaded to contain light rays to the sign. Colored lighting is prohibited.~~

~~(M) Public Necessity Sign. Public Necessity Signs such as "Bus Stop", "No Parking" and street name~~

~~(1) Size. Public Necessity Signs may be a maximum of twelve (12) square feet in area.~~

~~(2) Height Limit. Maximum of eight (8) feet in height when measured from natural grade.~~

~~(3) Number of Signs. Not applicable~~

~~(4) Setback and Orientation. Setback and orientation is determined appropriate by the Community Development Department.~~

~~(5) Zoning Restrictions. Public Necessity Signs must be approved by the Public Works Director and the Community Development Director, if the sign is to remain in place for more than five working days.~~

~~(6) Content. These signs shall contain no advertising of any kind. This shall not apply to signs erected by the City, state highway department, franchised utilities, or their contractors.~~

~~(7) Design. Design shall be compatible with other Public Necessity Signs in order to establish a consistent standard of which citizens and visitors can recognize.~~

~~(8) Illumination. Illumination of Public Necessity Signs is prohibited.~~

~~(L) Subdivision Signs.~~

~~(1) Size. Subdivision Signs are limited to a maximum of ten (10) square feet per sign.~~

~~(2) Height Limit. Subdivision Signs may not exceed a height of seven (7) feet.~~

~~(3) Number of Signs. Subdivisions are limited to one (1) Subdivision Sign.~~

~~(4) Setback and Orientation. Subdivision Signs shall not be placed in the setback area as defined for the zone in which the sign is located.~~

~~Subdivision Signs may be aligned either perpendicular or parallel to the road provided that the signs perpendicular to the road are finished on both sides and that signs parallel to the road maintain a setback of at least twenty-five (25) feet from the curb or edge of pavement.~~

~~(5) Zoning Restrictions. Not applicable~~

~~(6) Content. The sign shall contain only the name of the subdivision.~~

(7) Design. Subdivision Signs shall be designed with natural materials, including rock and stone.

(8) Illumination. Illumination of subdivision Signs is prohibited.

(M) Umbrella Sign. Unless approved as a Conditional Use Permit, Umbrellas shall meet the following requirements:

(1) Size. Signage on umbrellas is are limited to a height of no more than 5" letters and graphics. Only the area of the umbrella containing the signage, as opposed to the entire area of the umbrella, shall be considered, for purposes of calculation, the maximum allowable square footage.

(2) Height Limit. Not applicable

(3) Number of Signs. Not applicable

(4) Setback and Orientation. Umbrellas shall be located on private property.

(5) Zoning Restrictions. Umbrella signs are permitted in all commercial zoning districts.

(6) Content. Umbrellas may only contain are counted as signage area if they have lettering or other graphics displaying the name and/or logo of the on-premise business.

(7) Design. Materials should be high quality vinyl, nylon, canvas or other similar material in order to withstand the weather and climate changes. Umbrella colors are generally limited to a single field color with a single contrasting color for lettering and logos. However, if the umbrella is striped, two colors may be used. Corporate colors may be used, only if they are finished in subdued earthtone colors. For a more complete description of the permitted colors please see Section 12-4-5 of this Code.

(8) Illumination. Illumination of Umbrella Signs is prohibited.

(N) Wall Signs. Wall Signs may be placed upon a building provided that they meet the following conditions of approval.

(1) Size. The size of the wall signs shall not exceed the maximum square footage allowed per building facade.

(2) Height Limit. Sign plans shall be designed so that the signage are confined to the building surface below the finished floor elevation of the second floor or twenty (20) feet above adjacent natural grade whichever is lower.

(3) Number of Signs. There is no maximum number of wall signs specified per building face. However, in a multi-tenant building the primary focus of sign area shall be for Building Identification. The total square footage of signage area shall not exceed the maximum square footage of signage area allowed per building face.

(4) Setback and Orientation. Wall signs shall be placed so as to utilize existing architectural features of a building without obscuring them. Wall sign shall be orientated toward pedestrians or vehicles within close proximity.

(5) Zoning Restrictions. Wall Signs are permitted in all zones.

(6) Content. Wall Signs may identify the name of a building, project of primary business. Wall Signs may also identify the nature of the goods or services offered and/or the street address.

(7) Design. The Sign materials should be compatible with the face of the building and should be colorfast and resistant to erosion.

(8) Illumination. *Lighting of Wall Signs is permitted, provided that the lighting complies with Section 12-4-10. Any exterior lighting proposed for the signs shall be included in the sign application. . Please refer to Section 12-4-6 of this Title.*

(O) Window Signs. Window Signs are permitted provided they meet the following criteria.

(1) Size. Permanent Window Signs shall be no more than one (1) square foot *each* and thirty percent (30%) of the total transparent area of the window.

(2) Height Limit. Window Signs are limited to the *ground main* floor level of the building. *Window Signs are permitted upon second storey windows within the Historic District.*

(3) Number of Signs. Not Applicable

(4) Setback and Orientation. Window Signs may be placed in or upon any window ~~provided that on windows below the elevation of the second floor level provided that the total square footage of signage area does not exceed thirty percent (30%) of the total transparent area of the window is obscured.~~ *Window Signs include any signs within twenty (20) three feet (3') of the front window, visible from the street and exceeds two (2) square feet. except that in multi-tenant buildings, window Signs shall be restricted to windows below the second floor level. (See Section 12-5-3) Windows on or above the elevation of the second floor level shall be limited to not more than two rows of lettering identifying the business with characters not exceeding six (6) inches in height.*

(5) Zoning Restrictions. Window Signs are permitted in all zoning districts.

(6) Content. Window Signs may identify the name of the tenant or the nature of the goods sold.

(7) Design. The Window Sign must be permanently attached to the window face by either using vinyls, etching or other similar attachment methods. The vinyl color should be compatible with the building face., *White ivory* or cream lettering is preferred.

(8) Illumination. Illumination of Window Signs are prohibited.

CHAPTER 10 - TEMPORARY SIGNS

12-710-1 POLICY. It is the policy of the City as outlined in this Section to restrict the use of temporary signage. Temporary signage *is are* often poorly constructed, poorly maintained, and located in a manner that obscures traffic Signs, views of intersections of public and private streets and driveways and *tends* to depreciate the scenic beauty and quality of life of the community by creating visual clutter. Temporary signage *has* a place in the community for specialized purposes, such as announcing properties for sale or lease, construction activities, temporary sales, or making political or ideological statements. Temporary signage *is are* permitted for those and similar purposes subject to the

regulations of this Chapter.

12-710-2 TYPES OF TEMPORARY SIGNS. Temporary Signs are those signs which are installed on a property with the intent of displaying them continuously for more than twenty-four (24) hours, but ~~which that~~ are not a part of a permanent land use on the property, and are not intended to be displayed for more than one year. ~~Real Estate Signs, Construction Signs, Special Purpose Signs, Yard Signs, and Campaign Signs~~ Temporary signs include signs announcing properties for sale, lease or rent, and campaign signs and other similar signs of a non-commercial nature. Temporary signs are permitted subject to the following regulations on placement and location.

(A) **Campaign Signs.**

(1) **Size.** Campaign Signs shall not exceed three (3) square feet of area on the exposed sign face.

(2) **Height Limit.** No portion of the sign shall extend more than ~~six (6)~~ four (4) feet above natural grade or finished grade, whichever yields the lower sign. Mounting devices may extend above the sign by not more than six (6) inches.

(3) **Number of Signs.** Only one temporary sign is permitted on any one parcel of property, except that for sixty (60) days preceding a general or special election, up to three (3) election-related temporary signs may be placed on any one parcel of property, all of which must comply with the size, color, and placement standards of this Code.

(4) **Setback and Orientation.** Temporary signs are permitted in any zone, provided that they are located a minimum of twenty (20) feet back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty (20) foot distance would be within a structure, the sign may be within three (3) feet of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(I) and 12-8-1(m). On vacant lots, where there is no structure, the sign shall maintain the twenty (20) foot setback from the street.

(5) **Zoning Restrictions.** Campaign Signs are allowed in all zoning districts.

(6) **Content.** The content of Campaign Signs shall be limited to the text associated with the election candidate or issue.

(7) **Design.** Campaign Signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. Mounting hardware shall be painted or stained in earthtones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.

(8) **Illumination.** Illumination of Campaign Signs is prohibited.

(B) **Construction Signs** ~~TEMPORARY SIGNAGE FOR CONSTRUCTION PROJECTS~~. Because of the unique need to identify construction projects clearly for material suppliers, deliveries, and construction workers, and to allow for initial marketing, temporary construction project entry Signs are permitted subject to the following regulations:

Temporary construction ~~Construction~~ Signs are to be ~~may not be installed upon prior to granting of conditional use permits by the City for the project the Sign pertains to and or upon prior to the issuance of footing and foundation permits on permitted uses which do not require conditional use approval. On conditional uses, if the footing and foundation permits have not been taken out within six (6) months of the erection of the Sign, the Sign must be removed until permits are issued. Temporary project Signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a subsequent phase is commenced during that time, the Sign may remain so long as construction continues on the project's initial construction. If a permanent Sign is constructed on the site, all temporary signage must be removed. When a project is owned by one party and units are being marketed, but the time limit is beyond the 30 days after a certificate of occupancy is issued, the Community Development Director may authorize the temporary placement of a Sign which is subject to the limitations of this section, except that it may be displayed for a period of 90 days. This Sign would be in lieu of standard real estate Signs. Until a Sign Permit is approved by the Community Development Department and issued by the Building Department. The sign may then be displayed no more than one year from the date of issuance. Project Identification Signs are permitted subject to the following regulations:~~

(1) Size. Residential projects containing four (4) or more dwelling units, are allowed one project sign on the property in conjunction with a project under development or construction. Three (3) square feet of signage area is allowed for each residential unit, provided that in no event may the sign exceed ~~thirty-two (32)~~ twenty four (24) square feet in area.

Commercial projects containing four thousand (4,000) square feet or more of commercial floor area, are allowed one construction sign on the property in conjunction with a project under development or construction. Two (2) square feet of signage area is allowed for each one thousand (1,000) square feet of commercial floor area, provided that in no event may the sign exceed twenty four (24) square feet in area.

(2) Height Limit. Construction Signs may not exceed ~~ten (10)~~ eight (8) feet in vertical height from the ground at the point where the sign is located. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

(3) Number of Signs. One (1) Construction Sign is permitted per project access point.

(4) Setback and Orientation. Temporary signage on construction sites may not be closer than twenty (20) feet to the curb line, or edge of pavement if there is no curb, of the street on which the project fronts, which is the street providing access to the project. If that twenty (20) foot setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but not more than ten (10) feet outside of the construction limits of the disturbance. In the HCB Zone, and the Prospector Commercial Subdivision, and other areas ~~which that~~ have been approved or zoned with no setback or sideyard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way. No portion of the sign may extend above the barricade or fence.

Construction Signs must be located in a manner that does not obstruct the view, for normal passenger vehicles, of adjoining streets from the driveway of the site to the adjoining street.

Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that make the sign placement standards of this Title impractical because the sign is not visible from the street, the Community Development Director, ~~or some member of that department, so authorized,~~ may grant an exception ~~of to~~ the sign setback standards, but not the size or street orientation standards. In no event may Construction Signs, subject

to the setback requirements, be placed within the public right-of-way.

(5) Zoning Restrictions. Temporary construction Construction Signs are permitted in all zoning districts. ~~Project Identification Signs are to be may not be installed upon prior to the granting of conditional use permits by the City for the project the sign pertains to. and or upon~~ Construction Signs may not be installed prior to the issuance of footing and foundation permits on permitted uses which do not require conditional use approval. On conditional uses, if the footing and foundation permits have not been taken out within six (6) months of the erection of the sign, the sign must be removed until permits are issued. Temporary Construction Signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a subsequent phase is commenced during that time, the sign may remain so long as construction continues on the project's initial construction. If a permanent sign is constructed on the site, all temporary signs must be removed. When a project is owned by one party and units are being marketed, but the time limit is beyond the 30 days after a certificate of occupancy is issued, the Community Development Director may authorize the temporary placement of a sign which is subject to the limitations of this section, except that it may be displayed for a period of 90 days. This sign would be in lieu of standard Real Estate Signs.

(6) Content. A Construction Sign may identify a new development, the contractor, builder and/or financial institution and may include a plat map and real estate information. A Construction Sign may not contain sale prices.

(7) Design. Temporary and yard Construction Signs, excluding construction project entry signs, shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. Construction Construction Signs, because of their larger size and the increased risk of disruption nearby, shall be mounted on at least two (2) four inch by four inch (4" x 4") posts with back bracing, or such other means that comply with the Uniform Sign Code's standards for installation. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.

(8) Illumination. Illumination of Construction Signs is prohibited.

(C) Real Estate Signs Real Estate Signs in conjunction with an open house shall be displayed only immediately prior to and during the open house and shall be removed at sundown.

(1) Size. Real Estate Signs shall not exceed three (3) square feet of area on the exposed sign face.

(2) Height Limit. No portion of the sign shall extend more than six (6) feet above natural grade or finished grade, whichever yields the lower sign. Mounting devices may extend above the sign by not more than six (6) inches.

(3) Number of Signs. Only one temporary sign is permitted on any one parcel of property and must comply with the size, color, and placement standards of this Code.

(4) Setback and Orientation. Temporary signs are permitted in any zone, provided that they are located a minimum of twenty (20) feet back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty (20) foot distance would be within a structure, the sign may be within three (3) feet of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section

12-8-1(I) and 12-8-1(m). On vacant lots, where there is no structure, the sign shall maintain the twenty (20) foot setback from the street.

(5) Zoning Restrictions. Real Estate Signs are allowed in all zoning districts.

(6) Content. Real Estate Signs shall be limited to the name of the agent and/or agency. Prices are prohibited on Real Estate Signs.

(7) Design. Real Estate Signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4') in cross section. Mounting hardware shall be painted or stained in earthtones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.

(8) Illumination. Illumination of Real Estate Signs is prohibited.

(D) Special Purpose Signs. Signs promoting events sponsored by civic, charitable, educational, or other non-profit organizations may be erected on private property up to two (2) weeks in advance of the event being promoted. These signs shall be removed within three (3) days following the conclusion of the event.

(1) Size. Special Purpose Signs shall not exceed three (3) square feet of area on the exposed sign face.

(2) Height Limit. No portion of the sign shall extend more than six (6) feet above natural grade or finished grade, whichever yields the lower sign. Mounting devices may extend above the sign by not more than six (6) inches.

(3) Number of Signs. A maximum of three (3) Special Purpose Signs is permitted on any one parcel of property and must comply with the size, color, and placement standards of this Code.

(4) Setback and Orientation. Temporary signs are permitted in any zone, provided that they are located a minimum of twenty (20) feet back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty (20) foot distance would be within a structure, the sign may be within three (3) feet of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(I) and 12-8-1(m). On vacant lots, where there is no structure, the sign shall maintain the twenty (20) foot setback from the street.

(5) Zoning Restrictions. Special Purpose Signs are allowed in all zoning districts.

(6) Content. Special Purpose Signs shall limit their content to the address and the name and date of the event.

(7) Design. Special Purpose Signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4') in cross section. Mounting hardware shall be painted or stained in earthtones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.

~~(8) Illumination. Illumination of Special Purpose Signs is prohibited.~~

- (E) **Yard Signs** Yard Signs shall be displayed only immediately prior to and during the yard sale or garage sale, and shall be removed at sundown if located within public rights-of-ways to avoid creating a hazard to the public using the streets and sidewalks. Yard Signs may not be displayed for more than forty-eight (48) hours continuously. Signs not removed after forty-eight (48) hours of display are deemed refuse. The owner or erector of the sign is subject to a fee per sign removal charge in an amount set forth by resolution if the sign is removed by the City as refuse. In addition, the owner or erector shall be guilty of a Class "B" misdemeanor of littering.

(1) **Size.** Yard Signs shall not exceed three (3) square feet of area on the exposed sign face.

(2) **Height Limit.** No portion of the sign shall extend more than six (6) feet above natural grade or finished grade, whichever yields the lower sign. Mounting devices may extend above the sign by not more than six (6) inches.

(3) **Number of Signs.** Only one temporary sign is permitted on any one parcel of property and must comply with the size, color, and placement standards of this Code.

(4) **Setback and Orientation.** Temporary signs are permitted in any zone, provided that they are located a minimum of twenty (20) feet back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty (20) foot distance would be within a structure, the sign may be within three (3) feet of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(I) and 12-8-1(m). On vacant lots, where there is no structure, the sign shall maintain the twenty (20) foot setback from the street.

(5) **Zoning Restrictions.** Yard Signs are allowed in all zoning districts.

(6) **Content.** Yard Signs shall limit their content to the address and hours of the sale.

(7) **Design.** Yard Signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4') in cross section. Mounting hardware shall be painted or stained in earthtones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.

(8) **Illumination.** Illumination of Yard Signs is prohibited.

CHAPTER 11 - BANNERS

12-11-1 BANNER OVER PUBLIC PROPERTY.

- (A) ~~**Administration.** The City Manager is authorized to administer the placement of banners over public property.~~
- (B) ~~**Approval.** Approval of all applications to display banners over public property shall be given by the City Manager only if all conditions in this section are met.~~

~~(C) Terms and Conditions. In order to receive approval to display a sign or banner over public property, the applicant shall meet the following terms and conditions:~~

~~(1) The banner or sign shall only inform the community of an upcoming community event. A banner may be approved by meeting at least two of the following criteria:~~

~~(a) the event is open to the public to view and/or participate;~~

~~(b) the event supports the resort nature of Park City;~~

~~(c) the event is governmental; or~~

~~(d) the event has an approved Master Festival License.~~

~~(2) The banner may only be displayed immediately prior to and during a community event which it advertises, and in no case shall the banner be displayed for less than five (5) days, more than ten (10) days, or more than two (2) weekends.~~

~~(3) Banners shall only be displayed at site(s) approved by the City Manager.~~

~~(4) Reservation of dates for a banner site may be made up to three (3) months prior to the date of display. Site(s) are generally reserved on a first-come, first-serve basis; however, preference may be given for recurring annual events, historically or traditionally tied to a specific date, holiday or season. Additionally, a request to advertise the reoccurrence of the same event or same type of event within any one calendar year (i.e., plays or class registrations) may be honored if no request for the banner site for an un-repeated scheduling is received.~~

~~(5) All banners over public property shall be hung by City personnel, and must meet the following specifications:~~

~~(a) Maximum banner size over public property (Park Avenue location) shall not exceed four (4) feet by thirty (30) feet and the minimum size shall not be less than three and one-half (3.5) feet by twenty-four (24) feet. Banners not over the Park Avenue location shall not exceed the above-mentioned maximum size, and must be approved by the Planning Director.~~

~~(b) Day-glo, or fluorescent colors shall not be allowed.~~

~~(c) Banners shall be constructed of durable canvas or similar type weather resistant fabric.~~

~~(d) Banners must be slit to reduce wind resistance.~~

~~(e) Banners must be reinforced with rope within a casing at the bottom and the top of both banner edges.~~

~~(f) Each corner of the banner must have a grommet and a lead of 1/4" rope from each corner, no less than four (4) feet long.~~

~~(g) Banners must have a minimum of seven (7) grommets (including the two corner grommets) across the top edge, which that allows the banner to be attached to a cable.~~

~~(h) An additional one hundred and fifty (150) feet of 1/4" rope is required to hang each banner, and shall be provided to the Public Works Department by the applicant or sponsor of the banner.~~

~~(6) The primary purpose of banners which extend over public property shall be to advertise and inform the public of upcoming community events. No more than twenty-five per cent (25%) of each side of the banner space shall be used for the name or logo of a commercial sponsor.~~

~~(7) Prices or fees charged for the event shall not be displayed.~~

~~(8) Banners shall be hung or displayed in a manner that does not interfere with or impede traffic or interfere with or obscure traffic signs or control devices.~~

~~(9) The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City.~~

~~(10) If the banner is not picked up from the Public Works Department by the applicant or sponsor within ten (10) days after it has been taken down, the banner shall become the property of the City and will be disposed of.~~

~~(11) Banners should be received by the Public Works Department one week prior to the date of scheduled display.~~

~~(12) The City is not responsible for any damage that may occur to the banner from any cause.~~

~~(D) Fee. A fee shall be payable to the City when the banner is dropped off at the Public Works Department before its reservation commences to cover manpower costs associated with installation and removal of the banner. Said fee shall be set by resolution.~~

12-11-1 BANNERS ON CITY LIGHT STANDARDS. The City Planning Department is authorized to administer the placement of banners on City light standards. Approval of all applications to display banners on City light standards, along Main Street and Empire Avenue, shall be given by the Planning Department only if all conditions in this section are met.

(A) **Applications.** Applications shall be presented to the Planning Department in sufficient time to allow the determination of eligibility of the Sponsor, design review, fabrication of the banners and verification of the scheduling of their period of display. Sponsors will pay for the artwork, banner production, installation and dismantling of the banners.

Sponsors shall accept that the display period is contingent upon a workable arrangement within the overall schedule of other City banners as well as prior commitments to other outside Sponsors. Prior commitments may preclude the desired display period of an otherwise acceptable Sponsor's banner. Park City acknowledges that a Sponsor's interest and ability to participate may be contingent upon a minimum period which would warrant the expense of the fabrication of the banners. The display period will be based on a first-come basis.

- (B) **Size.** The Main Street banners shall be 29" X 72"; unless otherwise approved by the Parks staff. Banners along Empire Avenue shall be 24" x 36".
- (C) **Number of Banners.** The number of banners to be hung for winter and summer shall be 55 along Main Street and 30 along Empire Avenue. Five additional banners must be submitted for replacement.
- (D) **Content.** Banners displayed in the Park City Main Street or Empire Avenue area shall be either: (a) those sponsored by, designed for and commissioned by, fabricated for, and installed by the direction of the Planning Department and Parks staff, or (b) those sponsored by outside entities (Sponsors) that meet the terms and conditions set forth in this section.

(1) The eligible sponsor must be a non-commercial, non-profit entity whose primary purpose is the offering of cultural, educational, or entertainment enrichment to the community.

(2) The design of banners must be presented to the Planning Department, or a designated committee thereof, for review and approval. Artwork should be of sufficient size and show actual colors and banner material in sufficient detail to adequately represent the proposed final product. Artwork should be approved at least two months prior to hanging date. A written permit will be issued by the Planning and Parks staff. Fabrication and colors are to be within color guidelines of the Planning Department and Historic District. The design must be on both sides, or as otherwise approved by the Parks Department.

- (E) **Design of Banners.** Fabrication of the banners must meet the minimum standards adopted by the Park Staff, or a designated committee of Park City Municipal Corporation. Fabric must be of a durable material to withstand snow and heavy winds. One and one half inch (1 ½") brass grommets should be installed on both bottom corners.

Banners must be sewn for mounting on existing brackets. A three and one half to four inch (3 ½" to 4") by 29 inch wide sleeve, or 24" inch sleeve for Empire Avenue banners, at the top of the banner is required to hang the banners on brackets. A sample will be provided by the Parks Department. Sponsors are required to contact the Parks Department for review of their proposal for compliance with the actual specifications.

- (F) **Installation and Removal.** Banners should be received by the Parks Department one week prior to the date of scheduled display. All banners on City light standards shall be hung by City personnel. The dates for the banners to be installed and dismantled will be arranged by the Sponsor and the Parks staff. If the banner is not picked up from the Parks Department by the applicant or sponsor within ten days after it has been taken down, the banner shall become the property of the City and will be disposed of.

The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City. The City is not responsible for any damage that may occur to the banner from any cause.

- (G) **Fee.** A fee shall be paid to the city when the application is presented to the Parks Department before the applicant's reservation commences to cover costs associated with the installation and removal of the banners. This fee shall be established by the Fee Resolution. Checks shall be made payable to the Park City Leisure Services department and submitted with the application.

CHAPTER 12 - MASTER FESTIVAL SIGN PLAN

Any person desiring permission to display temporary banners and signs related to an event on various dates at one location may submit plans along with the application for a Master Festival License, which is issued by the City. Parameters and requirements are stated within the Master Festival License Application and shall be reviewed by the Planning Department prior to the issuance of a permit.

~~**12-12-1 REQUIREMENTS.** Any person desiring permission to display banners and signs related to the event on various dates at one location may submit an application for a Master Festival Sign Plan. The application shall be processed through the Planning Department and shall require the following:~~

- ~~(A) **Site Plan.** A site plan drawn to scale which specifies the location of the signs, or drawings or photographs which show the scale of the sign in context with the scale of the building if the sign is to be mounted on the building.~~
- ~~(B) **Scaled Installation and Design Drawing.** Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment, and color samples.~~
- ~~(C) **Lighting.** Any exterior lighting proposed for signs shall be included in the application.~~
- ~~(D) **Application Forms.** Submit a completed Planning Department Master Festival Sign Plan Application and Building Permit Application to the Community Development Department.~~
- ~~(E) **Fees.** Payment of the appropriate fees to the Park City Municipal Corporation.~~

~~**12-12-2 MASTER SPONSOR BANNERS.** Once a Master Festival Sign Plan has been approved, and during the term of such plan, each sponsor banner which is to be displayed pursuant to such plan must be authorized by a Planning Department Sign Permit. At the time of submission of such permit application, a scaled rendering of the proposed banner and its location must be submitted, together with such information as the Community Development Department deems necessary.~~

~~**12-12-3 KIOSKS.** The intended use of the kiosks is to hold posted materials, fliers, handouts, schedules, etc., that pertain to activities that occur during the festival. The use of the kiosks is to allow an area to post materials related to the festival, instead of posting the materials on buildings, which is prohibited by City Code. Structural details for the kiosks are to be submitted with the Master Festival Sign Plan.~~

CHAPTER 13 - APPEALS

12-12-1 APPEALS. Any applicant who believes a denial was is not justified, has the right to appeal to the Planning Commission or, if the property is in a Historic District, to the Historic District Commission, and to appear at the next regularly scheduled meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the Commission shall be filed with the Community Development Director in writing within ~~three (3)~~ ten (10) business days following the denial of the permit by the Planning Department.

Applicants may have any action of the Planning or Historic District Commissions reviewed by the City Council by petitioning in writing ~~for a hearing before that body~~ within ten (10) business days following Planning Commission or Historic District Commission action on the Sign Permit. Actions of the Commission are subject to appeal and review according to the procedures set forth in the Land Management Code, Chapter 1.

CHAPTER 13 - VIOLATION OF TITLE

12-13-1 PENALTY. Violation of this Title is a Class "C" misdemeanor.



CITY COUNCIL REPORT

TO: The Honorable Bradley A. Olch
Members of the City Council

FROM: Jodi Hoffman, City Attorney

DATE: December 8, 1997

SUBJECT: 340 Main Street Parking Covenant

Introduction

The owners of the 340 Main Street building would like to bifurcate the restrictive parking covenant that burdens both the 340 Main street lot and the lots behind Chimayo. The attached covenant would replace the 1986 restrictive covenant, as it pertains to the 340 Main Street lot, and would memorialize the 10 parking space requirement for the 340 Main Street lot.

Background

Currently, the 1986 covenant burdens 6 lots, under separate ownership, with the obligation to maintain 22 "existing" parking spaces among the lots. It does not allocate spaces among the lots. In 1994, the owners of 340 Main asked for an allocation of existing parking spaces for the 340 Main street lots. At that time, we determined that there were 10 "existing" spaces for the 340 Main Street lots, and 12 "existing" spaces for the remaining lots. We also required the 340 Main Street partnership to combine the lots within their ownership into a single, 340 Main Street lot.

The parking spaces within the 340 Main Street structure are restricted for the benefit of the Main Street Mall, under separate ownership (Russell Wong). The 340 Main Street building is on the market, and is expected to sell in short order. The owners would like to clean up the title in anticipation of a sale. To that end, the owners have requested to substitute the attached covenant, which pertains only to their lot. The new covenant

would properly reflect not only the new legal description for the combined 340 Main street lot, but also would clarify the 10 parking space obligation. It mirrors the language of the original covenant in all other relevant respects.

Council Alternatives

1. **Do Nothing.** The owner is asking for help to clear up a cloud on title. Doing nothing is not a terribly customer friendly approach.
2. **Reopen the allocation discussion.** We have literally spent scores of hours in an attempt to determine the intent of the parking covenant, and how it allocates parking spaces among the lots. That effort has resulted in a 10-space determination for 340 Main Street. That allocation is one space in excess of the allocation shown on the 1986 MPD map filed in close proximity to the recordation of the original restrictive covenant. Nothing, however, is fixed in stone. Reallocation of the parking spaces would not be pretty at this time; but it is a possibility. You should be aware that the owner of the Chimayo lots is not happy with the resulting 12-space allocation to his lots. However, he is willing to accept the 12 space charge, and to purchase relief from the 12-space obligation pursuant to the existing, under at least one scenario.

Attachments: **Request for Substitute Covenant**
 Draft Covenant
 Existing Covenant

P.O. Box 1800
614 Main Street
Park City, UT 84060
Bus. (801) 649-7171
Bus. (800) 553-4666
Fax (801) 649-5696

November 26, 1997

Jodi:

I have included the new Restrictive Covenant for your review and City Councils approval on December 4th. I have also included the old covenant. If you have any comments or changes you would like to make, let me know. There is nothing sacred about this. We are only trying to clean up the old covenant.

Thanks for your help. Happy Thanksgiving!



Eric

AMENDED
RESTRICTIVE COVENANT

THIS AMENDED RESTRICTIVE COVENANT (the "Covenant") made and entered into this ____ day of December, 1997, by JON OLCH and JANET OLCH (hereinafter designated "Olchs"), 340 MAIN STREET PARTNERS, L.L.C., a Utah limited liability company ("340 Partners"), PARK CITY MAIN STREET MALL, L.C., a Utah limited liability company ("PCMSM") and PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation ("Park City").

WITNESSETH:

WHEREAS, Silver Mill of Utah, American Savings & Loan Association and Park City Municipal Corporation, mutually executed and delivered a certain Restrictive Covenant, dated February 28, 1986, which Restrictive Covenant was recorded as Entry No. 247147 in Book 375, Pages 384-387, records of Summit County, Utah (the "Prior Covenant"); and

WHEREAS, Olchs and 340 Partners have acquired title to and constructed a building upon the following described portion of the real property which is subject to said Prior Covenant (the "340 Main Parcel"):

BEGINNING at the Northwest corner of Lot 10, Block 22, PARK CITY SURVEY; and running thence along the Northerly line of Lot 10, Block 22, North 66°29'30" East 3.79 feet; thence along the Westerly edge of the existing building South 23°30'13" East 1.03 feet; thence along the Southerly edge of the existing building North 66°32'56" East 100.11 feet; thence along the Easterly edge of the existing building North 23°30'47" West 1.16 feet; thence along the Northerly line of Lot 11, Block 69, Millsite Reservation North 66°25'50" East 20.79 feet; thence along the East line of Lots 11, 10 and 9, Block 69, South 23°31'00" East 50.63 feet; thence South 66°32'56" West 2.57 feet; thence along the Northerly edge of the existing building (Egyptian Theater) South 66°32'56" West 13.41 feet; thence along the Westerly edge of the existing building South 23°32'42" East 0.53 feet; thence South 66°27'18" West 108.61 feet; thence along the West line of Lots 8, 9 and 10, Block 22, North 23°38'00" West 51.17 feet to the point of beginning.

and

WHEREAS, PCMSM has an easement entitling it to use for parking purposes the ground level of the following-described portion of the 340 Main Parcel situated in Park City, Summit County, State of Utah (the "Parking Property"):

(Insert legal description of parking area)

and

WHEREAS, it is the desire of the parties to terminate said Prior Covenant and to substitute therefor a covenant encumbering the title to the Parking Property.

NOW, THEREFORE, the parties hereto hereby covenant and agree as follows:

1. The Prior Covenant insofar, but only insofar, as it relates to the 340 Main Property is hereby canceled and terminated and shall hereafter be of no force or effect. Park City hereby releases and forever discharges all rights granted to or acquired by it pursuant to the Prior Covenant in or with relation to the 340 Main Property.

2. Olchs and 340 Partners hereby agree that the Parking Property cannot hereafter be used for any purpose that is inconsistent with or prohibits the intended use or function of the Parking Property as vehicle parking.

3. Olchs, 340 Partners and PCMSM agree that they will maintain the Parking Property at their cost.

4. This Covenant shall last in perpetuity unless released as hereinafter provided.

5. This Covenant may be released upon the payment to Park City of Ten Thousand Dollars (\$10,000) per parking space ~~(with a maximum of 10 parking spaces)~~ in accordance with the Master Parking Agreement, dated February 28, 1986, between Silver Mill of Utah, American Savings & Loan Association, Park City Municipal Corporation and the Redevelopment Agency of Park City, Utah, ~~unless said amount is adjusted as provided by said Master Parking Agreement.~~ This Covenant is part of said Master Parking Agreement and shall be construed in a manner that is consistent with said Master Parking Agreement. Park City acknowledges and agrees that the Parking Property qualifies as 10 parking spaces for purposes of said Master Parking Agreement.

6. Nothing in this Covenant shall prevent Olchs, 340 Partners, their successors in ownership of the Parking Property, or PCMSM or its successors in ownership of the right to park vehicles thereon, from charging for use of the parking spaces situated on the Parking Property nor from regulating the use thereof or restricting the use to patrons of the Main

Street Marketplace or otherwise. This shall not constitute a public dedication of the parking spaces situated on the Parking Property.

7. This Covenant is specifically enforceable. In the event litigation becomes necessary to enforce the rights of a party hereunder, the party successful in obtaining an order of enforcement shall also be entitled to a judgment for its reasonable attorneys' fees incurred in said litigation.

EXECUTED the day and year first above written.

Jon Olch

Janet Olch

340 MAIN STREET PARTNERS, L.L.C.

By _____
Jon Olch, Manager

PARK CITY MAIN STREET MALL, L.C.

By _____
Russell Wong, its Manager

PARK CITY MUNICIPAL CORPORATION

By _____
MayorSTATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)The foregoing instrument was acknowledged before me this ____ day of December,
1997, by Jon Olch._____
NOTARY PUBLIC AND SEAL
Residing at: _____

My Commission Expires:

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)The foregoing instrument was acknowledged before me this ____ day of December,
1997, by Janet Olch._____
NOTARY PUBLIC AND SEAL
Residing at: _____

My Commission Expires:

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of December, 1997, by Jon Olch, the Manager of 340 Main Street Partners, a Utah limited liability company.

NOTARY PUBLIC AND SEAL
Residing at: _____

My Commission Expires:

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of December, 1997, by Russell Wong, the Manager of Park City Main Street Mall, L.C., a Utah limited liability company.

NOTARY PUBLIC AND SEAL
Residing at: _____

My Commission Expires:

RESTRICTIVE COVENANT

TO WHOM IT MAY CONCERN:

Please be advised that the following described land has been designated as a portion of the code required parking for the Main Street Marketplace development in Park City, Utah. The owner of the Marketplace project has agreed to temporarily encumber the land described below for the purpose of providing twenty-two (22) parking spaces, which satisfies a portion of the ordinance requirement for the Marketplace development. The described land cannot be used for any purpose that is inconsistent with or prohibits the intended use or function as a parking lot. The owners of the property covenant with Park City Municipal Corporation that no use will be made of these lands that prevents the parking of twenty-two (22) cars on the property. The owners will maintain the parking areas, including snow removal service at their cost. This Covenant shall last in perpetuity, provided however that Park City agrees to release the Covenant, entirely or in part, as appropriate, upon the Owner providing other parking to replace the parking spaces required under this Covenant. Nothing in this Covenant shall prevent the owner from charging for the use of the parking spaces, nor from regulating the use or restricting the use to patrons of the Main Street Marketplace or otherwise. This shall not constitute a public dedication of the spaces. The Covenant will be released upon the payment of \$10,000 per parking space

Entry No. 247147
REQUEST OF *Alan Briggs*
FEE *3.35*
ALAN BRIGGS, SUMMIT CO RECORDS
BY *Alan Briggs*
RECORDED 3-3-81

released by the owner to Park City, unless the amount is adjusted as provided in the Master Parking Agreement, of which this is a part.

The land affected by this Covenant is described as follows, being located in Summit County, Utah:

Block 22, Park City Survey, Lots 10, ~~11~~, and the North half of Lot 9; and

Block 69, Millsite Reservation, Lots 10, 11, ~~12~~, ~~13~~, 16 and 17.

This Covenant is part of a Master Parking Agreement between the parties dated the 28 day of February, 1986, and should be construed in a manner that is consistent with that Agreement. This Covenant is specifically enforceable, and the party successful in obtaining an order of enforcement shall also be entitled to a judgment for its reasonable attorney fees incurred in enforcement.

Dated this 28 day of February, 1986.

SILVER MILL OF UTAH

By

Randall K. Fields
General Partner

AMERICAN SAVINGS AND LOAN ASSOC.

By
Its

Roger J. Sanders
PARK CITY MUNICIPAL CORPORATION

By

Hal W. Taylor
Mayor

375 MAY 385

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On the 24th day of February, 1986,
personally appeared before me RANDALL K. FIELDS, and
themselves, that he the said RANDALL K. FIELDS is the
General Manager of SILVER MILL OF UTAH and that
the within and foregoing instrument was signed in behalf of
said corporation by authority of a resolution of its Board
of Directors and he duly acknowledged to me that said
corporation executed the same and that the seal affixed is
the seal of said corporation.

[Signature]
Notary Public

Residing at: Salt Lake County
My commission expires: 2-18-87

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On the 27th day of February, 1986,
personally appeared before me Roger J. Sanders, and
themselves, that he the said Roger J. Sanders is the
Sr. Vice President of AMERICAN SAVINGS AND LOAN
ASSOCIATION and that the within and foregoing instrument was
signed in behalf of said corporation by authority of a
resolution of its Board of Directors and he duly
acknowledged to me that said corporation executed the same
and that the seal affixed is the seal of said corporation.

[Signature]
Notary Public

Residing at: Salt Lake County
My commission expires: 8-3-87

100-375-386

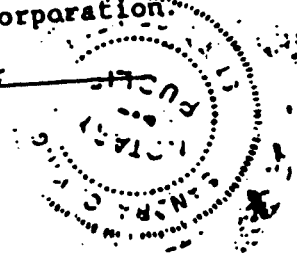
STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On the 21 day of February, 1986,
personally appeared before me, Hal W. Taylor, and J. Craig

Smith, who being duly sworn did say, each for themselves, that he the said Hal W. Taylor is the Mayor, and he, the said J. Craig Smith is the City Recorder of Park City Municipal Corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its City Council and they duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Sandra C. King
Notary Public

Residing at: Park City
My commission expires: 1-23-08





CITY COUNCIL REPORT

DATE: December 11, 1997

DEPARTMENT: Public Works Department

AUTHOR: Brian Anderson, Jerry Gibbs

TITLE: Proposed Amendments to the Municipal Code of Park City ("MCPC") revising the Parking Code

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Review and adopt the proposed additions and revisions to the MCPC.

DESCRIPTION:

A. Topic.

The Municipal Code of Park City("MCPC").

B. Proposal.

Recommended revisions to the MCPC which will allow the Transportation and Parking Department to enforce regulations in conjunction with the Paid Parking Program.

C. Background and Analysis.

The paid parking program will begin on January 2, 1998. Council has approved in previous meetings purchase and installation of meters, the AMPCO enforcement contract, and established general operation parameters. Revisions to the Code are the final program elements requiring City Council approval. The revisions clean-up definitions in the Parking Code, authorize enforcement of double parking and handicapped parking, and institute additional timed, permit and paid parking regulations.

A map of the new parking zones will be published by the Public Works Department. We do not recommend adopting the map in the Code at this time so as to maintain flexibility to change the map with two weeks published notice in the event circumstances warrant the change. We are also preparing an amendment to the Fee Resolution for the next Council meeting to establish permit fees.

D. Significant Impacts

The City should adopt the revisions by January 1, 1998 or the success of the Paid Parking Program will be severely affected. The revisions formalize the paid parking program, prohibit double parking, expand the authority of the Transportation and Parking Department to enforce the regulations relating to the Paid Parking Program, and establish permit parking zones.

E. Alternatives

1. **Approve the revisions to the Parking Code.** This is the recommended action.
2. **Modify the Recommended Action.** If after public input and discussion during the work session, the Council desires further changes, it should direct staff accordingly.
3. **Table the Code Changes.** A decision could be delayed until December 18.

F. Staff Review

The Legal and Public Works Departments have reviewed the Code.

G. Recommendation

Review and adopt the proposed additions and revisions to Title 9- Parking Code within the Municipal Code of Park City.

Ordinance 97-__

AN ORDINANCE AMENDING TITLE 9, "PARKING CODE", OF THE MUNICIPAL CODE OF PARK CITY TO ADD PROVISIONS REGARDING PAID PARKING

WHEREAS, the City is instituting a new paid parking program; and

WHEREAS, changes to the Municipal Code are necessary to implement the new program;
and

WHEREAS, clear and current code provisions are a priority of the City Council;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. AMENDMENT. Title 9 of the Municipal Code of Park City is hereby replaced in its entirety by the following:

TITLE 9 - PARKING CODE

CHAPTER 1 - IN GENERAL

9- 1- 1. CITATION.

This Title shall be referred to as the Park City Parking Code.

9- 1- 2. APPLICATION OF THE CODE.

This Title is applicable on all public ~~Streets and Public Parking Facilities~~ ways within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection.

9- 1- 3. DEFINITIONS.

As used in this Title, the following terms shall have the meanings stated, unless the context clearly requires some other meaning:

(A) **DELIVERY VEHICLES.** Includes any Motor Vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

(B) **DOUBLE PARKING.** Parking, standing, or stopping a Vehicle whether attended or unattended: (1) at the side of another Vehicle which is legally parallel Parked; or (2) behind an angled Parking space which is occupied by a legally Parked Vehicle.

(C) **NON-MOTORIZED EQUIPMENT.**

Any equipment that is non-motorized and is so designed as to require a Motorized Vehicle for mobility, including but not limited to uncoupled trailers, detached snowplows, and other non-motorized items.

(D) **PARK OR PARKING.** Stopping, standing, or leaving a Motor Vehicle in a fixed spot or location on a Street or Public Parking Facility for any length of time, except when required to stop or stand because of the flow of traffic, or to yield to other traffic, or in compliance with the requirements of traffic control devices, flagman or police officers.

(E) **PUBLIC PARKING FACILITY.** Any public Parking lot, area, garage or structure that is owned, operated and/ or maintained by Park City, but not on-Street Parking.

(F) **STREET.** Every street, alley, roadway, right of way, or on-Street Parking lot space under the control and/or maintenance of Park City, whether on public or private property, including all streets shown as public streets on the Street Master Plan. The term Street shall not include private driveways, Parking lots, or private roadways.

(G) **VEHICLE OR MOTOR VEHICLE.** Any automobile, truck, motorcycle, trailer, backhoe, loader or other piece of construction machinery, and every other means of conveyance or persons or cargo included within the Utah Motor Vehicle Code.

9-1-4. TOW ENFORCEMENT.

Because unlawfully Parked cars Vehicles prevent access to large areas by emergency Vehicles as well as local residents, the Police Department is authorized to enforce this Title by towing or otherwise removing Vehicles Parked in violation of this Title without first having given notice to the owner of the Vehicle that it may be towed if not removed.

9-1-5. REGULATION NOT EXCLUSIVE.

The Parking regulations established by this Title are not all encompassing, and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by police officers directing traffic during periods of heavy traffic volume or during periods of emergencies, or during special events as designated by the City Manager.

9-1-6. PRESUMPTION OF IDENTITY.

~~The presence of~~ For any Vehicle on any Street or Public Parking Facility which is Parked in violation of the regulations of this Title, it shall be presumed ~~is prima facie evidence~~ that the registered owner of the Vehicle Parked the Vehicle in violation of this Title, or permitted others to Park his Vehicle

in violation of this Title and the registered owner is deemed responsible for the violation and for the fine or civil penalty imposed.

CHAPTER 2 - STANDARD PARKING REGULATIONS

9- 2- 1. PARKING PROHIBITED IN CERTAIN PLACES.

It shall be unlawful and a violation of this Title for any person to Park his a Vehicle, or to permit others to Park his a Vehicle in any of the following places on a Street or Public Parking Facility:

- (A) On or across a sidewalk or across a sidewalk;
- (B) In front of, or within five (5) feet on either side of a driveway of a public or private driveway or alleyway;
- (C) Within an intersection, or within fifteen (15) feet of an intersection
- (D) In front of or within five (5) feet from a fire hydrant;
- (E) In or on a crosswalk;
- (F) Within twenty (20) feet of a crosswalk at an intersection;
- (G) Within thirty (30) feet from the approach to any flashing beacon or traffic control device, including stop signs controlling traffic on the same roadway as the approach;
- (H) Within fifty (50) feet of the nearest rails of any railroad crossing;
- (I) Within twenty (20) feet of the entrance to a fire station, or on the Street opposite of the entrance to a fire station if designated a No-Parking area by signs;
- (J) Along side any Street excavation or construction fence or barricade if Parking in that location would obstruct the free-flow of traffic on the Street;
- (K) On a bridge or other elevated portion of a Street or under an overpass;
- (L) At any place marked by signs as a No-Parking zone;
- (M) In such a location or manner that the car is Parked opposite of the flow of traffic on the Street, except as provided in this Title;
- (N) In such a location or manner so as to occupy two or more marked Parking spaces, unless the Vehicle is in a paid parking area and all spaces have been paid for;

(O) In accordance with Title 11, Chapter 15-2, Parking on pervious surfaces within the area outlined by Title 11, Chapter 15-1 is prohibited;

(P) In any Parking space designated "Handicapped", or otherwise for mobility disabled under the qualifications of the Americans with Disabilities Act, when not displaying proper distinguishing license plates or an official state-approved identifying placard indicating that the occupant of said Vehicle is mobility disabled under the qualifications of the Americans with Disabilities Act.

9- 2- 2. PARKING MAY NOT OBSTRUCT TRAFFIC.

No person shall Park a Vehicle on a Street or Public Parking Facility in any manner that obstructs the Street, sidewalk, or driveways and impedes the free movement of vehicular or pedestrian traffic.

9- 2- 3. STOPPING OR PARKING ON STREETS.

No person shall Park a Vehicle, whether attended or not attended, on the traveled portion of a Street when it is possible under the existing conditions to Park the Vehicle off the traveled portion of the Street. When stopping or Parking a Vehicle, it must be Parked in a manner that leaves an unobstructed width along the Vehicle for the passage of other Vehicles.

This section shall not apply to Vehicles which are Parked as a result of mechanical failures or otherwise disabled to an extent that the Vehicle cannot be moved out of the traffic lane. It is the duty of the owner or operator of the disabled Vehicle to activate warning lights on the Vehicle, and to open the hood in order to give notice to other Vehicles on the Street that traffic is blocked by a disabled Vehicle. It is also the duty of the owner or operator of a disabled Vehicle to obtain assistance as soon as possible under the circumstances to have the disabled Vehicle removed from the traffic lane.

9- 2- 4. PARKING FOR CERTAIN PURPOSES PROHIBITED.

It shall be unlawful to Park a Vehicle on any Street or within any Public Parking Facility for the following purposes.

(A) Displaying the Vehicle for sale;

(B) Greasing, servicing, or repairing the Vehicle, except to the extent necessary under emergency conditions to move a disabled Vehicle;

(C) Displaying of advertising;

(D) Selling food or other merchandise, or soliciting orders for food or merchandise, except when properly licensed by Park City to do so;

(E) Camping or other habitation.

9- 2- 5. CONDITION OF UNATTENDED VEHICLES.

It shall be unlawful for any person to Park a Vehicle on a Street or Public Parking lot Facility without stopping the engine, locking the ignition, and removing the key from the ignition, and if the Vehicle is Parked on a readily perceptible grade, the wheels must be turned toward the curb or edge of the road and the parking brake set.

9- 2- 6. DOUBLE PARKING.

~~(A) VEHICLES OTHER THAN DELIVERY VEHICLES. No person shall park a vehicle on a street at the side of another vehicle which is also parked, except while actually engaged in loading or unloading passengers or cargo, and except when complying with the instructions of a police officer, allowing an emergency vehicle to pass, or when necessary to avoid other traffic.~~

~~(B) DELIVERY VEHICLES. All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions:~~

- ~~—— (1) No delivery vehicle, except those delivering construction materials to a construction site, shall park between the hours of 12:00 noon and 2:00 a.m. except between December 10 and December 31 when hours of allowed parking shall be extended to 1:00 p.m.~~
- ~~—— (2) No delivery vehicle delivering construction materials to a construction site shall park between the hours of 3:00 p.m. and 2:00 a.m.~~
- ~~—— (3) No delivery vehicle shall be parked in a manner which impedes the flow of traffic after the hour of 12:00 noon.~~
- ~~—— (4) No delivery vehicle shall park on the east side of Main Street or on the east side of Swede Alley.~~
- ~~—— Violation of any of the above restrictions shall constitute a class B misdemeanor.~~

~~No Vehicle shall be Double Parked nor shall be stopped upon the traveled portion of any Street except when complying with the instructions of a police officer or flagman, allowing an emergency Vehicle to pass, avoiding other traffic, or conducting commercial deliveries under the requirements of this Title.~~

9- 2- 7. PARALLEL PARKING.

~~Except where otherwise designated, it shall be unlawful to Park any Vehicle in a manner other than parallel with the curb or shoulder of the Street, with the front of the Vehicle facing the direction of traffic flow, with the right hand wheels (passenger side) not more than eighteen (18) inches from the curb, shoulder, or snow bank, whichever is nearer to the traffic lane.~~

On residential Streets south of 12th Street and west of Rossie Hill Drive, but including both of those Streets, Vehicles may be Parked on either side of the Street regardless of direction of traffic flow, so long as they are not Parked in a manner that violates site specific regulations on posted signs, or impedes or obstructs the flow of traffic on those Streets. This exception does not apply to Parking on Main Street, Park Avenue (north of Heber Avenue), Heber Avenue, or Swede Alley, except commercial Delivery Vehicles loading or unloading cargo on the west side of Swede Alley.

9- 2- 8. ANGLE PARKING.

Angle Parking is permitted only when designated by posted signs or in designated Public Parking Facilities, and then only when conditions are such that angle Parking does not result in ~~obstructions~~ obstruction of the driving lanes such that traffic has to deviate from its normal course to avoid the Parked Vehicle(s). Further, no Vehicle in excess of twenty (20) feet in length shall Park in an angle Parking place at any time.

9- 2- 9. OVERNIGHT PARKING/CAMPING.

It shall be unlawful to Park a Vehicle on a public Street, or within a Public Parking Facility lot, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation.

9- 2-10. PARKING ON NARROW ~~ALLEYS AND~~ STREETS PROHIBITED.

It shall be unlawful for any person to Park a Vehicle on any Street ~~or alley~~ in a manner that obstructs the flow of traffic on that Street by failing to leave an unobstructed lane of at least twelve (12) feet in width for passing traffic. It shall be unlawful to Park opposite another Parked Vehicle so as to leave less than a twelve (12) foot wide traffic lane, or in any other manner to obstruct the free movement of traffic through the ~~alley or~~ narrow Street.

9- 2- 11. LIGHTING REQUIREMENTS.

The owner or operator of a Vehicle is not required to provide any warning lights on any lawfully Parked Vehicle. Any Vehicle that is Parked so as to obstruct the normal flow of traffic, whether illegally Parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred (500) feet. The light shown to the front of the Vehicle shall be white or amber, the light shown to the rear of the Vehicle shall be red. If the headlights are left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a Vehicle so Parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud, or other obstructions so that the lights are clearly displayed.

9- 2- 12. CONSTRUCTION SITE PARKING.

Construction site Parking shall comply with the provisions of the Construction Mitigation Plan. Upon approval under the provisions of the Construction Mitigation Plan, the City may issue, upon payment of the prescribed fee, permits to occupy either pay or non-pay on-Street spaces or Public

Parking Facility spaces in the direct vicinity of an approved construction project or as specifically specified on the permit.

9-2-13. NON-MOTORIZED EQUIPMENT PARKING PROHIBITED.

No person, except for construction equipment and materials allowed under the Construction Mitigation Plan and complying with Section 9-2-12, shall Park any Non-Motorized Equipment in any on-Street or Public Parking Facility, including uncoupled trailers and snowplows. Such equipment must be properly stored in private off-Street areas or commercial rental storage units. Equipment violating this section shall be subject to immediate impoundment.

9-2-14. OVERSIZED VEHICLES.

No person shall Park a Vehicle that is over eight (8) feet in width in a Public Parking Facility, unless the Vehicle is properly Parked in a designated oversize Vehicle area or space.

CHAPTER 3 - TIME LIMITATION

9-3-1. PARKING FOR MORE THAN SEVENTY-TWO (72) CONSECUTIVE HOURS ON PUBLIC STREETS.

It shall be unlawful to leave a Vehicle Parked in any Street for more than seventy-two (72) consecutive hours. After 72 consecutive hours, the Vehicle is subject to impoundment.

9-3-2. PARKING FOR MORE THAN TWENTY-FOUR (24) CONSECUTIVE HOURS IN PUBLIC PARKING LOTS AND GARAGES.

It shall be unlawful to leave any Vehicle in any Public Parking Facility lot or garage for more than twenty-four (24) consecutive hours except where otherwise posted on official signs. Vehicles Parked longer than 24 consecutive hours are After 24 consecutive hours, the vehicle is subject to impoundment.

~~**9-3-3. TWO HOUR PARKING IN COMMERCIAL AREAS.**~~

9-3-3. TIMED PARKING IN COMMERCIAL AREAS.

~~Public streets, but not parking lots, within commercial areas may be designated as having two (2) hour parking limitation, and it shall be unlawful to park a vehicle in an area so designated by posted signs for longer than two (2) hours.~~ Public Streets and Public Parking Facilities within commercial areas may be designated with time limitations. It shall be unlawful to Park a Vehicle in an area so designated by posted signs or meter legends for longer than designated time limits. Vehicles Parked longer than posted time limits are subject to fine(s) and/or impoundment.

~~**9-3-4. PARKING LOTS AND CLASSIFICATIONS.**~~

9-3-4. PARKING AREAS AND CLASSIFICATIONS.

There shall be the following kinds and classifications of parking areas, which shall be designated by appropriate signage posted on the lots or along the streets; The City Manager, or designee, may establish general classifications of Parking areas and the effective periods of time, and shall so designate by posting appropriate signs posted along the Streets, within the facility, and/or at the appropriate entry points to the facility, and shall cause the classifications to be delineated on the Parking Area Map.

(A) ~~LONG TERM LOTS.~~ Long term parking lots are available for use by holders of Employee, Resident, or Hotel Guest passes for parking of vehicles with passes for periods of eleven (11) hours from 8:00 a.m. to 6:00 p.m. From 2:00 a.m. to 8:00 a.m. only cars with resident or hotel guest passes may remain in the lots.

(B) ~~SHORT TERM LOTS.~~ Short term parking lots are available for use by holders of Employee, Resident, or Hotel Guest permits, and by the general public without permits, for periods not to exceed four (4) hours between the hours of 8:00 a.m. to 6:00 p.m. From 6:00 p.m. through 2:00 a.m. of the following morning, there is no restriction on the use of these lots. From 2:00 a.m. to 8:00 a.m., there shall be no parking allowed in the short term lots to facilitate snow removal. Vehicles parked in short term lots for periods in excess of four (4) hours during the restricted parking periods, or parked in the lots between 2:00 a.m. and 8:00 a.m. will be subject to ticket and/or tow.

(C) ~~TIMED PARKING AREAS.~~ Holders of any class of parking permit, or persons without a parking permit may use the timed parking areas (which are primarily on-street parking areas of Main Street) for up to the allowed time. Between 8:00 a.m. and 6:00 p.m., the timed parking areas are limited to two (2) hours. Between 6:00 p.m. and 2:00 a.m. of the following morning, there is no restriction on the time a vehicle may be left parked in the timed parking areas. Between 2:00 a.m. and 8:00 a.m., there shall be no parking in the timed parking areas, and vehicles left there are subject to ticket and/or tow enforcement.

(D) ~~NON-TIMED, ON-STREET, PARKING.~~ To preserve limited on-street parking for area residents' use, parking on any public street where parking is not prohibited entirely or regulated by timed parking regulations, it shall be unlawful to park any vehicle which does not have a resident permit attached to it on the street between the hours of 8:00 a.m. and 6:00 p.m. After 6:00 p.m. no permit is needed.

CHAPTER 4 - SEASONAL

9- 4- 1. SPECIAL WINTER LIMITATIONS.

Notwithstanding the foregoing general Parking regulations, there shall be additional regulations which apply during the winter season to facilitate the snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:

(A) It shall be unlawful to Park any Vehicle on the downhill side of any Street south of 12th Street. The downhill side of the Street is the side on which the natural slope is away from the Street surface, and the side to which the natural drainage flows. Main Street, Park Avenue north of Heber Avenue, and Swede Alley are not included within this regulation.

(B) Additional Parking limitations may be posted by signs stating the nature and effective period for the additional regulations.

(C) It shall be unlawful to Park any Vehicle ~~on Park Avenue between 12th Street and Heber Avenue, on Heber Avenue, 7th Street, 9th Street or, Main Street, or Swede Alley~~ surface Parking between the hours of 2:00 a.m. and 6:00 a.m. during the winter months. Additional Streets may be designated as no Parking areas during these periods as necessary to facilitate snow removal.

9- 4- 2. PARKING TO OBSTRUCT SNOW REMOVAL.

It shall be unlawful to Park any Vehicle in a manner that obstructs snow removal by failing to leave adequate room for passage of plows and other removal equipment, and Vehicles as Parked are subject to impoundment.

9- 4- 3. SNOW REMOVAL EMERGENCY ROUTES.

In order to maintain a free flow of traffic during periods of ~~heavy snow~~ **four inches or more of snow accumulation**, and immediately following ~~heavy snow~~ said storms, the Police Department may declare a snow removal emergency, during which time it shall be unlawful to Park any Vehicle on the following Streets:

~~Deer Valley Drive from the junction with Heber Avenue to the Snow Park Lodge, and Deer Valley Drive (& 224 Belt Route) south from the intersection with Park Avenue to Heber Avenue;~~
~~Empire Avenue from Park Avenue to Silver King Drive;~~
~~Heber Avenue;~~
~~Holiday Ranch Loop Road from Park Avenue (U-224) to Little Kate Road;~~
~~any Street which is on a Park City Transit bus route;~~
~~Swede Alley~~
~~Kearns Boulevard: U-248 to City limits;~~
~~U-224 from Kearns Blvd. east to the City limits;~~
~~Little Kate Road from Holiday Ranch Loop Road to Meadows Drive; Main Street from Heber Avenue south to King Road and Hillside;~~
~~Marsac Avenue;~~
~~Meadows Drive~~ Lucky John Drive from Little Kate Road to Evening Star Drive;
~~Monitor Drive from Kearns Boulevard (U-248) to Little Kate Road;~~
~~Park Avenue from Heber Avenue north to the City limits;~~
~~Payday Drive from Thaynes Canyon Drive to Park Avenue (U-224);~~
~~Royal Street from Deer Valley Drive to the Silver Lake Lodge and the intersection with the Guardsman Pass Road;~~
~~Sidewinder Drive from Kearns Boulevard (U-248) to Wyatt Earp Drive;~~

~~Silver King Drive between Empire Avenue and Three Kings Drive;
Thaynes Canyon Drive from Silver King Drive to Payday Drive;
Three Kings Drive between Silver King Drive and Thaynes Canyon Drive;
Wyatt Earp Drive to the intersection with Kearns Boulevard (U-248);~~

Such other Streets as may be necessary to add from time to time in order to meet the needs of the snow removal emergency.

During a snow removal emergency declared by the Chief of Police or the City Manager, any Vehicle Parked on one of the Streets listed above shall be deemed illegally Parked, and subject to impound. The state of emergency shall be declared and notice given in the best manner possible under the circumstances, including giving notice of the emergency Parking regulations to local news outlets. The primary objective of declaring the emergency is to clear the Streets of Parked Vehicles. Thus, impound fees on Vehicles impounded for illegal Parking on Streets designated as Streets to be kept free of Parked Vehicles in the emergency, shall be reduced by half of the normal rate for the violation.

CHAPTER 5 - RESIDENT PERMIT PARKING

9- 5- 1. PERMIT PARKING AREAS.

~~The following area is hereby established as a permit parking area, and any vehicle parked in that area is subject to these regulations:~~

~~Anchor Avenue
Coalition View Court
Daly Avenue
Deer Valley Loop/Olive Branch Road
Easy Street
Empire Avenue south of 12th Street
Heber Avenue/Crescent Tram
Hillside Avenue
King Road
Lowell Avenue south of 12th Street
Main Street
Marsae Avenue between the intersection of Hillside Avenue and Deer Valley Dr.
McHenry Avenue
Norfolk Avenue south of 12th Street
Ontario Avenue
Pacific Avenue
Park Avenue south of 12th Street
Prospect Avenue
Rossie Hill Drive
Sampson Avenue
Sand Ridge Avenue~~

Swede Alley
Upper Norfolk
~~Woodside Avenue south of 12th Street~~
~~12th Street~~
~~11th Street~~
~~10th Street~~
~~9th Street~~
~~8th Street/Crescent Tram~~
~~6th Street~~
~~5th Street~~
~~4th Street~~

The City Manager or designee shall determine which Streets or Public Parking Facilities would benefit by inclusion in a Permit Parking Zone (PPZ). The City Manager or designee shall designate the boundaries of each zone identifying each zone by letter, number or name, and cause a map to be published showing the zone boundaries (Parking Area Map).

If modification of an established Parking zone boundary or establishment of a new PPZ is determined to be in the public interest, the City Manager or designee shall designate the boundaries thereof and give fourteen days notice of the same by publication twice in a daily newspaper of general circulation within the city.

~~9-5-2. SEASONAL REGULATIONS.~~

~~9-5-2. YEAR-ROUND REGULATIONS.~~

~~The parking regulations of this Title shall apply to the above-listed streets and parking areas from November 1st of each year through the winter months to May 1st of the following year. The Parking regulations of this Chapter shall apply to the zones designated on the current Parking Area Map on a year-round basis.~~

~~9-5-3. TYPES OF PERMITS.~~

~~There shall be the following kinds of parking permits: The following permit types are established and shall be issued by the City upon payment of the appropriate fee, if any, as designated in the Fee Resolution:~~

~~(A) **Resident Permit Parking:** A resident parking permit will be issued to residents or property owners having property on the above-listed streets. A resident parking pass will entitle the holder of the pass to park a vehicle on the public street, as space is available, and subject to the general provisions of this Title dealing with the manner of parking and snow removal. Resident parking passes will be issued to residents or to the owner of property that is used as a vacation home or nightly rental unit. Passes will only be issued to the extent that the number of vehicles registered at the dwelling exceeds the off-street parking available at that dwelling to encourage the use of all available off-street parking.~~

~~(B) **Employee Pass:** An employee pass will be issued to persons owning or employed in businesses located within the area defined above. The employee pass will entitle the holder to park only in~~

designated long-term parking lots within the Swede Alley parking area. Employee passes do not entitle the holder to park in the long-term lots between the hours of 2:00 a.m. and 8:00 a.m.

~~(C) **Hotel Guest Pass.** The hotel guest pass will be available to the owners of hotel or transient lodging type facilities located within the defined area. Passes will be issued at the ratio of .66 parking passes per hotel room, rounded up to the next whole number. Passes will not be available for transient lodging units with available off-street parking for their guests and/or employees. Holders of hotel guest passes will be entitled to park in designated long-term parking lots within the Swede Alley area. Hotel guest passes entitle the holder to 24-hour a day parking at the designated lots.~~

(A) **Resident Permit.** One resident permit shall be issued for each Vehicle owned by a person residing within a Residential Permit Zone (RPZ). If more than two permits are requested for one residence, the owner(s) of the Vehicles of the residence must make a formal application to the City for additional permits. In no case shall the number of resident permits issued to one residence exceed five. Permits will only be issued to the extent that the number of Vehicles registered at the dwelling exceeds the off-Street Parking available at that dwelling to encourage the use of all available off-Street Parking. An applicant for a permit shall present: (a) current Utah Motor Vehicle registration, (b) a current operator's license with the application, and (c) proof of residence; and shall certify the application with his or her signature.

No permit shall be issued in the event that either the registration or license shows an address not within the RPZ unless the applicant demonstrates to the satisfaction of the City Manager or designee that the applicant is, in fact, a resident of the RPZ and that the Vehicle is used primarily by the applicant.

The resident permits shall be valid: (a) until the expiration date shown on the permit, or (b) until the resident, business, or qualified non-profit organization relocates outside of the RPZ, or (c) until the permitted Vehicle is sold, whichever occurs first.

Resident permits shall be valid only in the same residential permit Parking zone in which the residence, business, or qualified institution is located.

(B) **Resident Guest Permit.** One resident guest permit shall be provided to each residential, business or qualified non-profit institution address receiving at least one resident permit within an RPZ, subject to the following conditions:

(1) Resident guest permits shall be issued for the exclusive use of resident permit holders' guests only during periods when the guests are actually visiting a resident permit holder's address. Resident guest permits shall display the host resident's resident permit number. Residents shall instruct their guests in the proper display and use of the guest permit.

(2) Resident guest permits issued to business or non-profit institution guests within an RPZ shall be valid only while the guest is actually engaged in business at a resident permit holder's business or institution address. Resident guest permits issued to businesses or institutions within an RPZ shall display the host business's or institution's resident permit

number. Businesses or institutions shall instruct their guests in the proper display and use of the guest permit.

(3) Resident guest permits may also be issued directly to guests by the Transportation & Parking Department subject to reasonable conditions imposed by the City Manager or designee.

The resident guest permits shall be valid: (a) until the expiration date shown on the permit, or (b) until the holder of the host permit relocates outside of the RPZ, whichever occurs first.

The resident guest permit shall be valid only in the same residential permit Parking zone in which the host residence, business, or qualified institution is located.

(C) Lodging Guest Permit. Lodge guests permits shall be issued to lodges within a non-metered RPZ for the exclusive use of lodge guests during their period of stay at the lodge. Lodge owners shall fill out the lodge guest permit completely, using permanent ink, and instruct their employees and guests in the proper display and use of the lodge guest permit. Passes shall not be available for transient lodging units with available off-Street Parking for their guests and/or employees, or for lodging units located within a metered Parking zone. Lodge guest permits may also be issued to individuals with unusual or special needs at the discretion of the City Manager or designee.

The lodge guest permit shall be valid either: (a) only during the guest's stay at the lodge, or (b) for seven (7) days from the date of issue to the guest, whichever is less.

The lodge guest permit shall be valid only in the same residential permit Parking zone in which the host lodge is located.

(D) Employee Permit. If the City Manager or designee deems necessary, employee permits may be made available upon payment of the prescribed fee, if any, to Main Street area businesses that have inadequate off-Street Parking for Parking in designated Public Parking Facilities.

(E) Delivery Vehicle Permit. Business Vehicle permits shall be made available to allow Delivery Vehicles to Park in designated loading zones in the Main Street core. Businesses shall be required to justify a Delivery Vehicle permit for business delivery use and adhere to strict regulations of this Title. Delivery Vehicles shall also be required to use the designated loading zones in the Main Street core before the hour of 12:00 a.m., or otherwise pay the hourly fee for Parking.

(F) Service Vehicle Permit. Service Vehicle permits shall be made available to allow building maintenance and cleaning functions for buildings in the resident permit zones. Applicants shall possess a valid Park City business license. Service Vehicles shall be required to use short-term zones, or Park in metered spaces and pay the hourly fee while conducting service calls in the metered parking areas (Main Street core).

9- 5- 4. PERMITS DO NOT AFFECT GENERAL PARKING REGULATIONS.

The provisions of this Chapter on permit Parking are do not intended to supersede any other provisions of the Park City Parking Code with respect to general Parking regulations such as Parking in a manner that obstructs driveways or traffic, Parking that interferes with snow removal, proximity to intersections, fire hydrants and other general Parking regulations. It is not a defense to any Parking violation that the violator had a Parking permit, unless alleged violation is Parking without the required permit.

9- 5- 5. PERMIT DOES NOT GUARANTEE PARKING.

The intent of this Chapter is to attempt to divide the limited pool of available Parking among the various classifications of Parking users on an equitable basis. The issuance of a permit does not guarantee a place to Park at all times.

9- 5- 6. ISSUANCE OF PERMITS AND PERMIT FEES.

Parking permits will be issued through the ~~Park City Police or Finance Departments~~ Transportation & Parking Department. Permit fees for each permit type shall be determined by the City. ~~Permits will be valid for one season only, with permits to be reissued each season to eligible persons.~~ Proof of residence or employment eligibility within the permit Parking area and payment of the applicable fee will be required before a permit will be issued. All permits are valid only for their prescribed use and area.

9- 5- 7. VALID PERMIT TO BE DISPLAYED.

~~All parking permits, except Hotel Guest Permits, will be in the form of stickers which must be affixed to the permittees' vehicle as designated on the sticker, typically to the rear windshield or bumper. Hotel Guest Passes will be transferrable, and shall be placed on the dashboard or rear window shelf of the vehicle when the vehicle is parked. Permits will be valid through the date shown on the face of the permit. It shall be unlawful to display an expired permit while Parking in a permit area. Resident permits will be in the form of stickers, which shall be affixed to the permittee's Vehicle as designated on the sticker. All other permits will be in the form of hangtags that shall be suspended from the rearview mirror so as to face toward the front of the Vehicle.~~

9- 5- 8. REPLACEMENT PERMIT.

Replacement permits will be issued to replace permits that have been lost, destroyed, or in cases where there has been a change in Vehicles for a ~~replacement charge of fifty cents (\$.50) per permit.~~ handling charge as determined by the City. Upon issuance of a replacement permit, the original permit shall be void; and it shall be unlawful for any Vehicle to display the permit.

9- 5- 9. SIGNAGE SIGNS.

The City will designate the various Parking areas with signs at the entrance to the affected ~~parking lots~~Public Parking Facilities, or along the designated Streets affected. In the absence of signage signs, on-Street Parking is hereby designated as a ~~Resident Parking area~~ resident permit Parking and

a resident Parking pass permit is required. The designations of Parking areas may be changed from time-to-time by relocation or redesignation of the signs to adapt to actual Parking demand experienced for that kind of Parking area.

9- 5- 10. VIOLATIONS.

Parking any Vehicle in a manner that is in conflict with the provisions of this Title is unlawful, and shall be punishable as an infraction as provided in the Park City Parking Code. In addition to enforcement by ticket, illegally Parked Vehicles are subject to towing.

9- 5- 11. MULTIPLE PERMITS.

Persons who are entitled to more than one classification of permit (such as persons residing and working in the permit parking area) shall be entitled to only one permit, which will be the resident permit or other permit which is the least restrictive available to which that person is entitled.

9- 5- 12. PERMITS NON-TRANSFERABLE.

Permits, except the residential guest permit, shall not be transferable, and may be revoked in the event the Transportation & Parking Department determines that the owner of the Vehicle or the Vehicle itself for which a permit has been issued no longer meets the eligibility requirements established by the Transportation & Parking Department. Upon no longer meeting the eligibility requirements, the holder of the permit shall surrender such permit to the Transportation & Parking Department.

9- 5- 13. FALSELY OBTAINING PERMITS PROHIBITED; ALTERATION OR REPRODUCTION.

It shall be unlawful to falsely represent oneself as eligible for a permit under this division or to furnish any false information in, or in conjunction with, an application for a residential Parking permit. It shall be unlawful to attempt or to reproduce or alter any permit issued by the City.

9- 5- 14. HOURS OF ENFORCEMENT.

The Parking restrictions stipulated in Chapter 5 of this Title shall be enforced according to official signs posted in the resident permit zones, unless otherwise specified.

9- 5- 15. RESERVED PARKING AREAS.

In any area designated as a permit zone, where Parking is prohibited with certain permits exempt, it shall be unlawful for any person to Park any Motor Vehicle on the Street between the posted hours unless there is affixed to the windshield of such Motor Vehicle a valid Parking permit corresponding to the permits which are posted as exempt.

9- 5- 16. OFFICIAL VEHICLES.

Emergency, government, and public utility Vehicles engaged in official business shall be exempt from permit and Chapter 7, Paid Parking, requirements.

CHAPTER 6 - PARKING SIGNAGE SIGNS

9- 6- 1. ~~EMERGENCY TEMPORARY PARKING REGULATIONS ESTABLISHED BY ORDER OF POLICE.~~

The Chief of Police, under the direction of the City Manager or designee shall have the authority to establish additional Parking regulations as necessary to provide for efficient traffic circulation and safe Parking areas. All areas that are closed to Parking shall be so designated by signs posted in the area, except for those regulations set forth in Chapter 2 which shall not require signs.

9- 6- 2. SIGNS.

~~Signs setting forth parking regulations shall be mounted within the street right-of-way or on the shoulder of the roadway. Signs shall measure 10 inches by 12 inches.~~

~~(A) Signs pertaining to a permanent parking regulation shall be blue with white lettering in the Historic District and white with red lettering in all other areas, and shall state the nature of the regulations on the face of the sign. Signs shall be erected with in sufficient number to adequately inform the public of the parking regulation.~~

~~(B) Signs dealing with parking regulations that are seasonal in nature shall be white and green lettering and shall contain the words "Winter Regulations" on the face of the sign.~~

~~(C) Parking regulations for public parking lots shall be posted on the parking lot in a form that is of sufficient size to impart notice of the parking regulations applicable to that lot.~~

All signs shall be uniform as to type and location throughout the City. The location, type, and design of all Parking control signs shall be as determined by the City Manager or designee. All traffic control devices so erected shall be official signs and official traffic control devices. Signs shall be erected in sufficient number to adequately inform the public of the Parking regulation.

9- 6- 3. TRAFFIC CONTROL DEVICES.

~~Uniform Department of Transportation Manual adopted with Park City amendment. The Department of Transportation shall adopt a manual and specifications for the uniform system of traffic control devices consistent with provisions of this Chapter for use upon highways within this state. Such uniform system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the Federal Highway Administrator and the Utah Department of Transportation. Except that in Park City, the color used to designate no parking zones shall be red.~~

CHAPTER 7 - PAID PARKING

9- 7- 1. DEFINITION.

The City shall have the authority to assess and collect fair and reasonable rates for any and all public Parking areas, including on-Street Parking spaces and Public Parking Facilities.

9- 7- 2. PARKING METER ZONES.

Wherever Parking meter zones have been established on Streets or in Public Parking Facilities, the Parking of Vehicles at places, Streets or parts of Streets so designated shall be controlled by Parking meters between the hours and on the days and at the rates specified on authorized Parking meter signs or legends.

The City Manager or designee shall determine which Public Parking Facilities or areas would benefit by inclusion in a metered area, designate the boundaries of and sign requirements for each metered area, and cause the metered areas to be included in the Parking Area Map under the same guidelines as Section 9-5-1.

9- 7- 3. IN-CAR METERS IN METERED ZONES.

The City may authorize the use of portable, in-vehicle meters for use in multiple space Parking meter zones. Such portable meters, when properly operated, may be used in lieu of receipts issued by multiple space Parking meters. Portable meters, when used, must be clearly visible, operating, and hanging from the rear view mirror of the Vehicle for which the meter is used. Unless otherwise authorized by the City, portable meters shall require the same rate of payment per unit of time as is applicable to the multiple space Parking meters regulating the Parking meter zone in which the portable meter is used.

9- 7- 4. PARKING METER SPACES.

(a) Multiple space Parking meters. In zones regulated by multiple space Parking meters, Vehicles shall be Parked either parallel or perpendicular to the curb, as may be indicated by official signs or space markings. Vehicles Parked in a manner so that any portion of the Vehicle is within the zone regulated by the multiple space meter shall be required to pay the amount indicated by the meter for Parking in that zone.

(b) Except where prohibited by other provisions of this Code, Vehicles longer than twenty (20) feet and combination Vehicles shall be permitted to parallel Park in meter spaces only when coins, tokens or cards have been deposited in the Parking meter for each twenty (20) feet space so occupied as is required for the Parking of other Vehicles in such spaces. Vehicles longer than twenty (20) feet long may display multiple receipts, all of which must be valid and unexpired, to comply with this Section.

9- 7- 5. DEPOSIT OF COINS, TOKENS OR CARDS.

No person shall Park a Vehicle in any multiple space Parking meter zone, as indicated by official signs, during the restricted and regulated times applicable to the multiple space Parking meter zone unless a coin or coins of United States currency or authorized tokens or cards of the appropriate denominations as shown on the meter legend shall have been deposited therein, a receipt therefor received from the multiple space Parking meter, and the receipt clearly displayed on the dashboard indicating an unexpired interval of time; or, such Vehicle displays a validly issued and properly operated portable, in-vehicle meter; or, such Vehicle displays a validly issued permit. No person shall display more than one multiple space Parking meter receipt on the dashboard of any Vehicle at one time, except when complying with the provisions of Section 9-7-4 (b). Payments or receipts are not transferrable to other Vehicles or persons. Payments shall not be refunded or reduced for partial use of the time period for which has been purchased.

9- 7- 6. TIME LIMITS.

(a) No person shall permit a Vehicle to be Parked in any Parking meter space or Parking meter zone for a consecutive period of time longer than that limited period of time for which Parking is lawfully permitted in the Parking meter space or zone.

(b) No person shall permit a Vehicle within his control to be Parked in any Parking meter space or zone during the restricted and regulated time applicable to the Parking meter space or zone while the Parking meter for such space indicates by signal that the lawful Parking time in such space is expired, or in multiple space Parking meter zones, without displaying a valid multiple space Parking meter receipt. This provision shall not apply to the act of Parking or the necessary time which is required to deposit immediately thereafter coins, tokens or cards in such meter.

9- 7- 7. SPECIAL DAYS.

A Vehicle may be Parked in a Parking meter space or zone without operation of the meter on special days as designated by the City Manager, and during those hours of the day when the requirement to deposit coins, tokens, or cards does not apply, as determined from the Parking meter sign or legend.

9- 7- 8. PAID PARKING PROVISIONS NOT EXCLUSIVE.

The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this Code or official signs or Parking meter legends prohibiting or limiting the stopping, standing or Parking of Vehicles in specified places, at specified times, or in a specified manner.

9- 7- 9. FOREIGN OBJECTS, DAMAGED COINS/TOKENS.

No person shall deposit or attempt to deposit in any Parking meter any slug, button, or any other device or substance as substitutes for coins of United States currency, authorized tokens or cards, and no person shall deposit any lawful coin, token or card that is bent, cut, battered, or otherwise nonfunctional.

9- 7- 10. RATES.

Parking rates for each paid Parking area, Street, zone, lot or garage shall be determined by the City. Rates may be increased or decreased as deemed necessary by the City according to the Fee Resolution.

9- 7- 11. CITY ASSUMES NO LIABILITY.

Payments of meter fees are strictly for the purchase of time and space, and do not include or provide other services such as security of Vehicles. The City does not guard, assume care or accept liability for any Vehicle, its occupants or its contents, nor does it assume responsibility for damage while Parked in any paid or non-paid Parking area.

9- 7- 12. PARKING PRIVILEGE FOR MOBILITY DISABLED PERSONS.

A Vehicle with distinguishing license plates or an official state-approved identifying placard indicating that the occupant of said Vehicle is mobility disabled under the qualifications of the Americans with Disabilities Act may be Parked along public Streets or within a Public Parking Facility regardless of any time limitation or meter fee requirement imposed by official signs upon Parking in such area, except that such privilege shall not apply to zones in which:

- (1) Stopping, standing or Parking of all Vehicles is prohibited at all times;
- (2) Only Delivery Vehicles may be Parked; or
- (3) All Parking is prohibited during specific periods of the day in order to accommodate heavy traffic.

9- 7- 13. CARPOOL EXEMPTION.

In order to provide preferential Parking for carpool Vehicles, the City Manager or designee shall designate which Public Parking Facilities are exempt to carpool Vehicles, and shall identify carpool exempt areas on the Parking Area Map. Carpool permits shall be made available to individuals who register a carpool with the City and who maintain a carpool with three (3) or more Vehicle occupants. No person shall display a carpool permit with less than three (3) Vehicle occupants.

CHAPTER 8 - DELIVERIES AND SHORT-TERM USE.

9- 8- 1. DELIVERY AND SHORT-TERM SPACE DESIGNATIONS.

The City Manager or designee shall designate, where necessary, curb loading zones and/or short-term zones.

9- 8- 2. CURB LOADING ZONES.

No person shall stop, stand, or Park a Vehicle for any purpose or length of time, other than for expeditious unloading and delivery, or pick-up and loading of materials, in any place marked as a curb loading zone, during the hours posted on curb loading zone signs. In no case shall the stop for loading and unloading of materials exceed the posted time limits. It shall be unlawful for any person to use the curb loading zones during the posted hours without properly displaying a delivery Vehicle permit.

9- 8- 3. SHORT-TERM ZONES.

In any area designated as a short-term zone, it shall be unlawful for any person to Park any Vehicle longer than the posted time limit during the hours posted on designated signs.

9- 8- 4. DELIVERY VEHICLES IN THE MAIN STREET CORE.

In addition to the curb loading zone requirements, all Delivery Vehicles Parked on Main Street or Swede Alley shall observe the following restrictions:

- (1) Deliver Vehicles shall utilize the 30 minute zones on the West side of Main Street during the hours from 9:00 a.m. to 12:00 noon, after which time no Delivery Vehicle shall be Parked on Main Street.
- (2) No Delivery Vehicle shall double Park on Main Street.
- (3) Delivery Vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 a.m.
- (4) No Delivery Vehicle shall Park on the east side of Swede Alley.
- (5) No Delivery Vehicle shall be Parked in such a manner to impede the flow of traffic.

CHAPTER 9 - COMPLIANCE REQUIRED/FINES, IMPOUNDMENT

9- 9- 1. COMPLIANCE REQUIRED.

Compliance with this Title is required when proper signs are posted or when the regulation is such that no sign is required under this Title. It shall be unlawful to Park any Vehicle in violation of the regulations established by this Title or in violation of regulations contained on posted signs.

9- 9- 2. OBLIGATION OF OWNER TO MOVE VEHICLE.

It is the obligation of the owner or operator of a Vehicle to remove that Vehicle when it is illegally Parked. When an officer finds an illegally Parked Vehicle that is impeding traffic or snow removal, the officer is authorized to move the Vehicle to the extent necessary to remove the obstruction, including towing the Vehicle to the City impound yard.

9- 9- 3. NATURE OF VIOLATION.

Violations of this Title are infractions, punishable by a fine, fee or civil penalty but not imprisonment.

9- 9- 4. PENALTIES FOR ILLEGAL PARKING.

The owner or operator of a Vehicle cited for illegal Parking under this Title shall be required to pay the penalty in the amount set forth in the Fee Resolution for the violation, and if the illegal Parking is not contested, shall pay the fee according to the schedule set forth by resolution in lieu of trial on the infraction. In addition to the fee imposed for illegal Parking, the owner of the Vehicle is responsible for paying towing fees and impound fees for the release of the Vehicle. Towing fees may be levied against the violator or the owner of the Vehicle, or both.

9- 9- 5. ENFORCEMENT; PAYMENT.

The City may employ private enforcement officer(s) to enforce this Title and issue Parking citations for violations thereof, including Parking illegally in handicapped spaces. All fees and penalties imposed pursuant to this Title shall be paid to Park City Municipal Corporation in the manner and by the means specified on the reverse side of the Parking citation. ~~by cash at the City offices by check mailed to the City's post office box (which shall be stated on all parking citations).~~

9- 9- 6. RELEASE OF IMPOUNDED VEHICLES.

Impounded Vehicles will only be released to the owner thereof or the person legally entitled to possession under a rental or lease agreement. Impounded Vehicles shall be released under the regulations established by the Police Department or by ordinance for release and inventory of impounded Vehicles, and upon payment of the impound fees and towing fees.

SECTION II. EFFECTIVE DATE. This ordinance shall become effective upon publication, or January 1, 1998, whichever is sooner.

PASSED AND ADOPTED this ____ day of December, 1997.

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attestation by:

Jan Scott, City Recorder

Approved as to Form:

Mark D. Harrington, Deputy City Attorney